



# Journal of the Senate

Number 27

Thursday, May 24, 1979

The Senate was called to order by Senator Don Childers at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3. Senator Henderson represented the Committee on Rules and Calendar and the Minority Party.

## INTRODUCTION

By Senator McClain—

**SR 1308**—A Senate resolution expressing profound regret at the passing of Armond R. Cross.

—was read the first time by title and referred to the Committee on Rules and Calendar.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has adopted as amended HM 1077 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Dyer and others—

**HM 1077**—A memorial to the Congress of the United States, urging Congress to adopt the Condominium Act of 1979.

—was read the first time by title and referred to the Committee on Rules and Calendar.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 322 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Morgan and others—

**HB 322**—A bill to be entitled An act relating to public officers and employees; amending s. 112.061(7)(d), Florida Statutes, 1978 Supplement, increasing to 17 and 19 cents per mile the mileage allowance public officers and employees may be entitled to when using privately owned vehicles for transportation for official business; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1707 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Regulated Industries & Licensing and Representative Ryals—

**HB 1707**—A bill to be entitled An act relating to pari-mutuel wagering; creating s. 550.001, Florida Statutes; providing for payment and deposit of taxes levied under chapter 550; providing penalties; creating s. 550.023, Florida Statutes; providing limitation on civil liability; creating s. 550.032, Florida Statutes; providing for proceeds to be paid on charity and scholarship days; amending s. 550.08(2), Florida Statutes; correcting a cross reference; reenacting and amending s. 550.09(1),

Florida Statutes, 1977; providing for admission tax; amending s. 550.10, Florida Statutes; providing for occupational license tax; reenacting and amending s. 550.12(2)(b) and (c), Florida Statutes, 1977; providing for a uniform reporting system; amending s. 550.164, Florida Statutes; providing for escheat of abandoned interest in or contribution to pari-mutuel pools; amending s. 550.26, Florida Statutes, 1978 Supplement; providing tax on breaks for dog tracks; amending s. 550.265(2)(b), Florida Statutes; correcting a cross reference; amending s. 550.33(3), Florida Statutes, 1978 Supplement, providing commissions, taxes and fees with respect to quarter horse racing; reenacting and amending s. 550.37(5), (6), and (7), Florida Statutes, 1977; providing commissions, taxes, and fees with respect to harness racing; deleting the limitation on racing days applied to harness racing with sulky; reenacting, amending, and renumbering s. 550.4906, Florida Statutes, 1977; providing for harness racing purses and for underpayments thereof; reenacting, renumbering, and amending s. 550.262, Florida Statutes, 1977; providing for overnight purses and standardbred breeders' awards with respect to harness racing; providing for certification of certain information; providing for underpayments; amending s. 550.39, Florida Statutes; providing for commissions, taxes, fees and purses with respect to certain summer harness racing; providing for underpayments; reenacting, renumbering, and amending s. 550.4904, Florida Statutes, 1977; correcting a cross reference; amending s. 550.42, Florida Statutes, 1978 Supplement; providing for commissions, taxes, and fees with respect to summer thoroughbred racing; amending s. 550.44, Florida Statutes; providing for summer horseracing purse requirements and for overpayments and underpayments; amending s. 550.45, Florida Statutes; correcting a cross reference; reenacting, renumbering, and amending s. 550.4902, Florida Statutes, 1977; providing for commissions, taxes and fees with respect to winter thoroughbred racing; reenacting, renumbering, and amending s. 550.261, Florida Statutes, 1977; providing for winter horseracing purse requirements and for underpayments; reenacting, renumbering, and amending s. 550.081, Florida Statutes, 1977; providing for allocation of winter thoroughbred periods of operation; creating s. 550.56, Florida Statutes; providing for the tax on breaks and the distribution thereof; creating certain promotion funds and providing for the utilization thereof; renumbering and amending s. 550.38, Florida Statutes, 1978 Supplement; providing for thoroughbred breeders and stallion awards; creating s. 550.60, Florida Statutes; providing for purse and operational allowances; creating s. 550.61, Florida Statutes; providing for Florida-bred horse owners awards; creating s. 550.70, Florida Statutes; providing for a capital improvement allowance for qualified permittees; providing for penalties; creating s. 551.011, Florida Statutes; providing for payment and deposit of taxes levied under chapter 551; providing penalties; amending s. 551.06, Florida Statutes; providing for an admission tax with respect to jai alai exhibitions; amending s. 22 of chapter 77-167, Laws of Florida; providing that the amendments to chapter 550, Florida Statutes, by said chapter shall not expire; repealing ss. 550.49, 550.4901, 550.4903, 550.4905, 550.4907, and 550.4908, Florida Statutes, relating to legislative intent and purse and track allowances for certain racetracks; re-enacting and amending s. 550.091, Florida Statutes, relating to additional commission to be withheld by dogracing and horseracing permittees; repealing s. 550.035, Florida Statutes, relating to additional performances for the Bicentennial Commission; repealing s. 550.069, Florida Statutes, relating to harness racing daily license fees; repealing s. 550.27, Florida Statutes, relating to employment of residents; repealing s. 550.47(2), Florida Statutes, relating to leasing another permitholder's facilities; repealing s. 550.161, Florida Statutes, relating to certain pari-mutuel pools; re-enacting and amending s. 551.071, Florida Statutes, relating to additional commission withheld by jai alai permittees; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 688 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Batchelor—

HB 688—A bill to be entitled An act relating to intermediate care facilities for retarded and developmentally disabled persons; creating s. 393.16, Florida Statutes; providing a definition; establishing a loan trust fund; authorizing the Department of Health and Rehabilitative Services to grant loans to eligible facilities for initial operating costs; providing criteria for granting of such loans and for repayment thereof; providing a lien in favor of the state; providing a limitation on the use of funds; providing a grandfather clause; establishing a cap on the amount of funds that can be allocated to a facility; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services, and Ways and Means.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has adopted HCR 1772 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Appropriations—

HCR 1772—A concurrent resolution approving the types, amounts and use of registration fees, tuition fees, and course fees to be charged and collected from students enrolled in the institutions of higher learning under the Board of Regents starting with fall quarter of 1979.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1651 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Education, K-12 and Representative Young—

HB 1651—A bill to be entitled An act relating to compensation of superintendents of schools; amending s. 145.08(1), Florida Statutes, authorizing each district school board, by majority vote, to increase the superintendent's salary above specified limits; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended—

HB 679                      HB 1203                      HB 1298                      HB 1377

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Mitchell and others—

HB 679—A bill to be entitled An act relating to discipline in the district school system; amending s. 232.27(1), Florida Statutes, providing that school principals do not have the authority to prohibit the use of corporal punishment; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Representative B. L. Johnson—

HB 1203—A bill to be entitled An act relating to the district school system; amending s. 230.234, Florida Statutes, requiring district school boards to reimburse officers and employees for expenses for legal services in civil or criminal actions under certain circumstances; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Representative Reynolds and others—

HB 1298—A bill to be entitled An act relating to group insurance for public officers and employees; amending s. 112.0801, Florida Statutes, authorizing counties, municipalities, and school boards, which provide group insurance plans for employees to continue such coverage with respect to retired employees under certain circumstances; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee E and the Committee on Ways and Means.

By Representative Young—

HB 1377—A bill to be entitled An act relating to the district school system; amending ss. 120.57(1)(a) and 230.232(3), Florida Statutes, authorizing counties, municipalities, and school boards, to exempt student assignment determination hearings from provisions of the Administrative Procedure Act; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 1187 and HB 1297 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Retirement, Personnel & Collective Bargaining and Representative Robinson and others—

CS for HB 1187—A bill to be entitled An act relating to retirement; amending s. 112.362(1)(a), (4)(a) and (5)(a), Florida Statutes, 1978 Supplement, providing that the \$8.50 minimum benefit factor and the \$12.50 minimum benefit factor are increased to \$9.50 and \$14.50, respectively, with regard to the supplemental retirement act for retired members of state retirement systems; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee E and the Committee on Ways and Means.

By Representative Reynolds and others—

HB 1297—A bill to be entitled An act relating to campaigns; adding subsection (7) to s. 99.012, Florida Statutes, exempting certain persons from the requirement to resign in order to seek candidate qualification; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed CS for HB 506 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Health & Rehabilitative Services and Representative Crawford and others—

CS for HB 506—A bill to be entitled An act relating to medical assistance for needy persons; adding subsection (5) to s. 409.266, Florida Statutes, 1978 Supplement, requiring the Department of Health and Rehabilitative Services to provide certain medical services and supplies to eligible recipients of Medicaid under certain conditions; reenacting s. 409.345(10), Florida Statutes, 1978 Supplement, to incorporate the addition of subsection (5)

to s. 409.266 in a reference thereto; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services, and Ways and Means.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB's 750, 784, 1172 and 1216 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Retirement, Personnel & Collective Bargaining and Representative Thompson and others—

CS for HB's 750, 784, 1172 and 1216—A bill to be entitled An act relating to public officers and employees; amending s. 112.061(4)(a) and (6), Florida Statutes, 1978 Supplement, and adding paragraph (n) to subsection (2), paragraph (c) to subsection (5), paragraph (i) to subsection (7) of said section, and adding subsection (14) to said section; providing for Class D travel for reimbursement of vicinity mileage incurred in the county of official headquarters; revising the rates of per diem and subsistence allowance; providing that per diem generally shall be \$40 per day and up to \$47 per day under certain circumstances; increasing the daily allowance for meals; providing that state employees who travel to perform on-call or emergency services after normal working hours are entitled to certain travel expenses under certain circumstances; providing an effective date.

—was read the first time by title and referred to the Committees on Ways and Means, and Rules and Calendar.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has adopted HCR 1681 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Retirement, Personnel and Collective Bargaining—

HCR 1681—A concurrent resolution encouraging the Department of Administration to implement a Certified Public Manager Program in the State Government of Florida.

—was read the first time by title and referred to the Committee on Rules and Calendar.

The Senate recessed at 8:36 a.m.

The Senate was called to order by the President at 9:00 a.m. A quorum present—40:

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fechtcl	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

Excused: Senators Gordon, W. D. Childers, Peterson, Vogt, Myers, Scott, McClain, Hair, periodically, conferees on SB 1297, and Senators Maxwell, Skinner and Johnston, alternates.

Prayer by the Rev. W. Ray Finklea, St. Paul's United Methodist Church, Tallahassee:

Thank you, Lord, for this new day. Thank you, Lord, for this body assembled to consider matters related to the welfare and improvement of this State and its people.

Give each of these persons your guidance this day as they consider important legislation, engage in debate, strive for the best.

Add strength and courage to all of them as they make crucial decisions.

Help them to see beyond words and paper and bills and motions so they can focus on lives—individuals and families.

May each one be able to lose himself/herself in the achievement of good legislation.

I pray this in hope with thanksgiving. Amen.

#### Explanation of Vote on SB 54

I voted "yea" on the passage of SB 54, coal slurry, on May 3 because it was my impression at the time of the roll call vote that the bill had been amended to make it reasonably acceptable. I was under the impression that amendments to limit finance participation and long term contracts by public and private utilities were included in the bill. I wish to change my recorded vote from "yea" to "nay" concurrent with this explanation of vote.

*Vince Fechtel, Jr., 11th District*

#### REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, May 24, 1979:

SB 1012	CS for SB 387	CS for SB 385	HB 698
HB 1623	CS for SB 388	SB 395	SB 918
CS for HB 510	SB 391	SB 444	HB 1546
SB 1208	CS for SB 284	SB 461	HB 678
SB 1222	CS for SB 1224	SB 625	SB 933
HB 1582	CS for SB 1239	SB 653	CS for SB 968
HB 1674	SB 983	SB 654	SB 1028
HB 1675	CS for SB 142	SB 655	CS for SB 1013
HB 1676	CS for CS for	SB 624	SB 1065
HB 1677	SB 240	CS for HB 440	CS for SB 1146
HB 654	SCR 226	SB 862	CS for SB 1177
CS for SB 302	CS for SB 332	CS for SB 922	
CS for SB 312	SB 364	SB 924	

Consent Calendar to be considered at 11:00 a.m.

Respectfully submitted,  
*Dempsey J. Barron, Chairman*

The Committee on Rules and Calendar submits the following bills to be placed on the Consent Calendar for May 24, 1979:

SB 124	SB 1082	CS for SB 1205	SB 615
CS for SB 844	CS for SB 728	HB 51	SB 1079
SB 1034	HB 770	SB 119	SB 849
HB 717	HB 1620	CS for SB 932	SB 866
SM 891	SB 1090	HB 318	SB 1247
SB 541	SB 895	SB 851	SB 822
SB 656	SB 816	HB 881	HB 142
SB 767			

Respectfully submitted,  
*Dempsey J. Barron, Chairman*

The Committee on Commerce recommends a Committee Substitute for the following: CS for SB 1004 (as offered by Economic, Community and Consumer Affairs Committee)

The bill with Committee Substitute attached was referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Commerce recommends a Committee Substitute for the following: CS for SB 1124 (as offered by the Education Committee)

The Committee on Education recommends a Committee Substitute for the following: SB 1172

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 268

The bills with Committee Substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 277

The Committee on Commerce recommends a Committee Substitute for the following: SB 173

The Committee on Commerce recommends a Committee Substitute for the following: CS for SB 509 (as offered by the Economic, Community and Consumer Affairs Committee)

The Committee on Commerce recommends a Committee Substitute for the following: SB 764

The Committee on Commerce recommends a Committee Substitute for the following: SB 797

The Committee on Commerce recommends a Committee Substitute for the following: SB 803

The Committee on Commerce recommends a Committee Substitute for the following: SB 1218

The Committee on Economic, Community and Consumer Affairs recommends a Committee Substitute for the following: CS for SB 717 (As offered by Judiciary-Civil Committee)

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 579

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 370

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: CS for SB 923 (as offered by Governmental Operations Committee)

The Committee on Ways and Means recommends a Committee Substitute for the following: SB 236

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the calendar.

May 24, 1979

The Committee on Economic, Community and Consumer Affairs requests an extension of 15 days for consideration of the following:

SB 30 by Senator Dunn	SB 479 by Senator Frank
SB 45 by Senator Dunn	SB 491 by Senator
SB 63 by Senator Steinberg	SB 544 by Senator Steinberg
SB 74 by Senator Steinberg	SB 553 by Senator MacKay
SB 86 by Senator Chamberlin	SB 567 by Senator Stuart
SB 106 by Senator Gordon	SB 597 by Senator Johnston
SB 121 by Senator Gordon	SB 814 by Senator Poole
SB 147 by Senator Hair	SB 852 by Senator McKnight
SB 154 by Senator Hair	SB 920 by Senator Ware
SB 156 by Senator MacKay	SB 940 by Senator Jenne
SB 172 by Senator Maxwell	SB 949 by Senator Williamson
SB 182 by Senator Hair	SB 961 by Senator Vogt
SB 183 by Senator Hair	SB 1009 by Senator Frank
SB 184 by Senator Scarborough	SB 1019 by Senator Maxwell
SB 205 by Senator Poole	SB 1036 by Senator Winn
SB 206 by Senator Poole	SB 1040 by Senator MacKay
SB 241 by Senator MacKay	SB 1047 by Senator Dunn
SB 318 by Senator Henderson	SB 1050 by Senator Williamson
SB 322 by Senator Grizzle	SB 1066 by Senator Maxwell
SB 333 by Senator MacKay	SB 1077 by Senator Williamson
SB 442 by Senator Steinberg	SB 1094 by Senator Gorman
SB 453 by Senator Tobiassen	SB 1102 by Senator Myers

SB 1110 by Senator Steinberg	HB 935 by Veteran Affairs Committee
SB 1152 by Senator Steinberg	HB 49 by Representative Davis
SB 1196 by Senator Maxwell	HB 1568 by Community Affairs Committee
SB 1202 by Senator Thomas	CS for SB 710 by Senator Vogt
SB 1250 by Senator Hill	SB 993 by Senator Chamberlin
HB 504 by Representative Mills	
SB 543 by Senator Holloway	

May 24, 1979

The Committee on Transportation requests an extension of 12 days for consideration of the following:

SB 42 by Senator Steinberg	SB 992 by Senator Spicola
SB 614 by Senator Maxwell	SB 944 by Senator Tobiassen
SB 735 by Senator Frank	SB 1125 by Senator MacKay

On motion by Senator McClain, by two-thirds vote SR 1308 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator McClain—

SR 1308—A Senate resolution expressing profound regret at the passing of Armond R. Cross.

—was taken up out of order by unanimous consent, read the second time in full and adopted. The vote on adoption was:

Yeas—38

Mr. President	Gorman	McClain	Stuart
Anderson	Grizzle	McKnight	Thomas
Barron	Hair	Myers	Tobiassen
Carlucci	Henderson	Peterson	Trask
Chamberlin	Hill	Poole	Vogt
Childers, D.	Holloway	Scarborough	Ware
Childers, W. D.	Jenne	Scott	Williamson
Dunn	Johnston	Skinner	Winn
Frank	MacKay	Spicola	
Gordon	Maxwell	Steinberg	

Nays—None

In addition to the original sponsor, Senators voting in the affirmative were recorded as co-introducers of SR 1308.

Senator McClain introduced Mrs. Frances M. Cross, widow of Armond R. Cross; his parents, Mr. and Mrs. Claude Cross of Bristol; his sister, Mrs. Howard Davis and her family of Bristol; and his brother Gerald K. Cross of Tallahassee.

The President invited the family to the rostrum where he presented copies of the resolution to them.

Senator W. D. Childers introduced Willard Brown, Alfred Brown and Gene Hays of Pensacola, who entertained the Senate with several musical selections. Senator Childers pointed out that the gentlemen were officers in one of Pensacola's largest industrial plants and one of the largest instrumentation companies in the country, Instrument Control Services.

"The thing they enjoy most, however, is just what they are doing here today, playing and singing for people who appreciate good music," said Senator Childers.

All three members of the group sang while Alfred Brown played guitar and Gene Hays played harmonica.

#### MESSAGES FROM THE GOVERNOR

The Governor advised that he had transmitted to the office of the Secretary of State Senate Bills 53, 398 and 85 which he had approved May 22, 1979.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed—

CS for SB 489

CS for SB 209

*Allen Morris, Clerk*

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed—

SB 152  
SB 729

SB 355  
SB 132

SB 96

*Allen Morris, Clerk*

The bills contained in the above messages were ordered enrolled.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments to House amendments 2 and 3 and passed as amended SB 1052.

*Allen Morris, Clerk*

The bill was ordered engrossed and then enrolled.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives requests the return of CS for CS for SB 252.

*Allen Morris, Clerk*

On motion by Senator Skinner, CS for CS for SB 252 was returned to the House as requested.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Judiciary-Civil—

CS for SB 47—A bill to be entitled An act relating to juries; amending ss. 40.01, 40.015(1), 40.02, 40.07, 40.23, 40.231, 40.24, 40.29-40.35, 905.01(1) and 905.37(3), Florida Statutes; prescribing qualifications for jurors; prescribing procedures for the creation of jury districts; prescribing procedures for the selection and security of jury lists; prescribing procedures for court administrator to perform certain duties; providing for certain persons to be disqualified or excused from jury service; prescribing procedures for summoning jurors; providing for jury pools; providing for payment of jurors summoned; prescribing procedures for the estimation, requisition, apportionment, and disbursement of state funds for the payment of jurors and certain witnesses; prescribing procedures for accounting for such payments; providing for the procurement of a grand jury; prescribing qualifications for grand jurors; creating ss. 40.221, 40.225, Florida Statutes; providing procedures for drawing jury venire; providing alternative method; repealing ss. 40.03, 40.04, 40.05, Florida Statutes, relating to selection of jury lists; repealing s. 40.06, Florida Statutes, relating to the transcription and preservation of jury lists; repealing s. 40.061, Florida Statutes, requiring the addresses of persons on jury lists; repealing s. 40.08, Florida Statutes, relating to exemptions from jury duty; repealing ss. 40.09, 40.10, 40.11, 40.13, Florida Statutes, relating to jury commissioners; repealing s. 40.101, Florida Statutes, relating to means of gathering information concerning prospective jurors; repealing s. 40.20, Florida Statutes, relating to procedures to be followed if there is a deficiency of jurors; repealing s. 40.22, Florida Statutes, relating to issuance of venire; repealing s. 40.25, Florida Statutes, relating to pay of jurors in vacation; repealing s. 40.27, Florida Statutes, prescribing penalty for failure to answer summons; repealing s. 40.28, Florida Statutes, relating to penalty for failure to draw or summons jurors; repealing s. 40.36, Florida Statutes, relating to drawing of petit and grand jury venire; repealing s. 40.371, Florida Statutes, prescribing alternative selection meth-

od for drawing venire; repealing s. 40.39, Florida Statutes, relating to duties of clerk of court; repealing s. 40.40, Florida Statutes, relating to the drawing of grand jurors; repealing ss. 40.42, 40.43, Florida Statutes, which sections relate to deficiency, or excess in jury box, omissions, etc.; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 3, lines 3-31 and pages 4-17, strike all of said lines and insert the following: 40.01 Qualifications and disqualifications of jurors—

(1) Grand and petit Jurors shall be taken from the male and female persons at least 18 years of age, who are citizens of this state and who have resided in this state for 1 year and in their respective counties for 6 months, and who are registered fully qualified electors of their respective counties; however, expectant mothers and mothers with children under 15 years of age, upon their request, shall be exempted from grand and petit jury duty.

(2) No person who is under prosecution for any crime, except criminal traffic violations, or who shall have been convicted of bribery, forgery, perjury, or larceny within this state or under the laws of any other state, government or country, or who shall have been convicted within this state of a felony, or under the laws of any other state, government or country of a crime which, if committed within this state, would be a felony, shall be qualified to serve as a juror unless restored to civil rights.

(3) No person interested in any issue to be tried therein shall be a juror in any cause; but no person shall be disqualified from sitting in the trial of any suit in which the state or any county or municipal corporation is a party by reason of the fact that such person is a resident or taxpayer within the state, or such county or municipal corporation. In the selection of jury lists only such persons as the selecting officers know, or have reason to believe, are law abiding citizens of approved integrity, good character, sound judgment and intelligence, and who are not physically or mentally infirm, shall be selected for jury duty.

(4) Where in the laws of Florida pertaining to jurors and the preparation of jury lists reference is made to male persons, such reference shall in each instance be taken and construed to mean male and female persons.

(5) Wherever jurors are required by law or by order of court, to be kept together during the conduct of a trial, or while considering their verdict, or whenever by order of court lodging is required to be furnished juries, separate lodging and rest room facilities shall be provided for jurors of different sexes, and under contemplation of law jurors shall be deemed to have been kept together whenever the jurors of different sexes occupy the accommodations provided for their respective sexes.

(6) Whenever female persons are sitting on any jury, and it becomes necessary that said jurors be committed to the charge of an officer, a female bailiff or deputy sheriff shall be provided to attend said jury in addition to the male officer to whom such juries are customarily committed, and all existing laws relating to the powers, duties and obligations of such male officer shall apply with like force and effect to such female officer.

Section 2. Subsection (1) of section 40.015, Florida Statutes, is amended to read:

40.015 Jury districts; counties exceeding 50,000.—

(1) In any county having a population exceeding 50,000 according to the last preceding decennial state or federal census and one or more locations in addition to the county seat at which the county or circuit court sits and holds jury trials, the chief judge, with the approval Board of County Commissioners, upon the request of a majority of the circuit court judges of the circuit in which the county is located, is authorized to create a jury district for each court house location from which jury lists shall be selected in the manner presently provided by law.

Section 3. Section 40.02, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 40.02, F.S. for present text.)*

#### 40.02 Selection of jury lists.—

(1) The chief judge of each circuit, or a circuit judge in each county within the circuit who is designated by the chief judge, shall request the selection of a jury list in each county within the circuit during the first week of January of each year or as soon thereafter as practicable. The chief judge or his designee shall direct the clerk of the court to randomly select a sufficient number of names with the addresses from the list of persons who are qualified to serve as jurors under the provisions of s. 40.01, and to generate a list of not less than 250 persons to serve as jurors, which list shall be signed and verified by the clerk of the court as having been selected as aforesaid. A circuit judge in a county to which he has been assigned may request additional jury lists as necessary to prevent the jury list from becoming exhausted. When the annual jury list is prepared pursuant to the request of a chief judge or his designee, the lists prepared the previous year shall be withdrawn from further use. If, notwithstanding this provision, some names are not withdrawn, such error or irregularity shall not invalidate any subsequent proceeding or jury. The fact that any person so selected had been on a former jury list or had served as a juror in any court at any time shall not be grounds for challenge of such person as a juror. If any person so selected shall be ascertained to be disqualified or incompetent to serve as a juror, such disqualification shall not affect the legality of such list or be cause of challenge to the array of any jury chosen from such lists, but any person ascertained to be disqualified to serve as a juror, shall be subject to challenge for cause, as defined by law. The lists, although they may be defective or irregular in form or other formal requirement, or in the number or qualification of the person so named, shall be the lists from which the names of persons for jury service are to be drawn as prescribed by law.

(2) The clerk of the court shall be responsible for preserving the security of the jury lists.

(3) The chief judge may designate the court administrator to perform the duties set forth in this section, in counties having an approved computerized jury selection system, the provisions of any special law or general law of local application to the contrary notwithstanding.

Section 4. Section 40.08, Florida Statutes, is amended to read:

40.08 Persons excused ~~exempt~~ from jury duty; postponements.—

(1) A person may be excused from jury service upon a showing of hardship, extreme inconvenience, or public necessity.

(2) A person who has served as a juror in any court in this state within 3 years of the first day of January in the calendar year for which he is being considered may, upon submission of a sworn affidavit to that effect, be excused from jury service.

(3) The jury service of any person who has been summoned may be postponed for a period not to exceed 6 months upon written or oral request. The request may specify a date or period of time to which service is to be postponed and, if so, shall be given consideration when the assignment of the postponed date of jury service is made. Practicing attorneys shall be exempt from jury duty, and a presiding judge may, in his discretion, grant an exemption to any practicing physician.

Section 5. Section 40.36, Florida Statutes, is transferred to section 40.221, Florida Statutes, and amended to read:

*(Substantial rewording of section. See s. 40.36, F.S., for present text.)*

40.221 Drawing jury venire.—A clerk of the court under supervision of a judge of any court of record shall randomly select from the jury list such number of persons as he deems necessary or expedient for a jury venire, to be returnable at such time as the judge shall specify, from which such venire or venires any jury may be organized, including a grand jury when drawn by or upon order of a judge of the circuit court. The clerk of the court shall keep the list in a secure place. The

chief judge may designate the court administrator to perform the duties set forth in this section in counties having an approved computerized jury selection system, the provisions of any special law or general law of local application to the contrary notwithstanding.

Section 6. Section 40.371, Florida Statutes, is transferred to section 40.225, Florida Statutes, and amended to read:

#### 40.225 ~~40.371~~ Drawing jury venire; alternative method.—

(1) Whenever a majority of the judges authorized to conduct jury trials in a county consents, the names of prospective jurors and other data pertinent thereto may be fed into a mechanical, electronic, or electrical device and drawn therefrom as an alternative to other methods authorized by law for obtaining jury venires, if such drawing is by lot and at random and is approved by the Supreme Court as hereinafter provided.

(2) When a majority of the trial judges authorizes the alternative method of drawing a jury venire as provided in subsection (1), the ~~chief presiding~~ judge of the judicial circuit in which the county is located shall make a certificate to that effect and transmit the same to the Chief Justice of the Supreme Court together with a description of the equipment, methods and mode of operation to be used.

(3) The Chief Justice shall cause the certificate and data accompanying it to be presented to the Justices of the Supreme Court. If the court finds that the proposed method will produce venires selected by lot and at random, is in compliance with all constitutional requirements of jury selection, and is otherwise feasible and practicable, an order of approval of same shall be made and filed. Thereafter the alternative method so approved may be used in the county so authorized.

(4) The ~~chief presiding~~ judge of the judicial circuit in which the county is located shall supervise the use of such alternative method whenever approval of same has been made by order of the Supreme Court.

(5) Nothing herein shall be construed as requiring uniform equipment or methods throughout the state.

Section 7. Section 40.23, Florida Statutes, is amended to read:

#### 40.23 Summoning ~~petit~~ jurors.—

(1) The clerk of the court shall generate a venire as prescribed in s. 40.221, and ~~sheriff~~ shall summon the persons named in such venire to attend such court as ~~petit~~ jurors at least 7 days previous to the sitting of such court, by mailing ~~registering~~ to each person so named in the venire a written notice, addressed to his place of residence, and placing such notice in the United States mail with sufficient postage to carry the same. Upon order of the court, jurors may be summoned with less than 14 days' notice. In counties having an approved computerized jury selection system, the chief judge may designate the court administrator to perform the duties set forth in this section, the provisions of any special law or general law of local application to the contrary notwithstanding, and with return receipt requested, unless otherwise directed by the court. If otherwise directed by the court, then the sheriff shall summon such jurors in the manner directed, making the same returnable as directed by the court. However, in counties which use electronic data processing equipment for purposes of preparation of jury lists, the county commission or jury commission of any such county, as the case may be, shall be authorized to perform the duties of the sheriff as above specified insofar as the summoning of ~~petit~~ jurors is concerned.

Section 8. Section 40.231, Florida Statutes, is amended to read:

40.231 Jury pools.—When persons named in a jury venire generated issued by the clerk of one of the courts mentioned in s. 40.22 are summoned to attend a ~~that~~ court as jurors, they may be placed in a jury pool from which the ~~circuit~~ court may draw persons to serve in ~~that~~ court as ~~grand~~ jurors or ~~petit~~ jurors, or both, and from which any other court mentioned in s. 40.22 may draw persons to serve as ~~petit~~ jurors therein. Persons placed in said jury pool may, when authorized



by the court as an alternative to attending court, list a telephone number with the clerk of the court to which summoned, to be on call on an hour's notice.

Section 9. Section 40.24, Florida Statutes, is amended to read:

40.24 Pay of jurors.—~~Grand and petit Jurors of the regular panel and jurors summoned to complete a jury after the regular panel is exhausted in all the courts of the state, as well as jurors summoned upon inquest of the dead, shall receive \$10 for each day of active attendance upon the court or inquest \$10. Jurors summoned to complete a panel after the regular panel is exhausted and who are not accepted and not required to serve on the jury shall receive compensation of \$10 per day, and A fractional part of a day shall be counted as a day. In addition, each juror to the compensation above provided, all jurors shall receive 14 cents per mile for each every mile necessarily traveled each day enroute in going to and returning from court by the nearest practicable route. Any juror Jurors who attends attend on any of the days of the term when the presiding judge is absent or, being present, does not hold the session of the court shall be entitled to receive the same compensation as if the court were in session. A juror who elects to be on call as provided in s. 40.231 shall receive the compensation provided in this section for only those days such juror actually attends court and not for those days he remains on call. Any juror who is excused from jury service serving on any jury at his own request shall not be entitled to receive any compensation either for travel or for attendance upon the court.~~

Section 10. Section 40.27, Florida Statutes, is amended to read:

40.27 Failure of jurors to attend; penalty.—If any person, duly ~~drawn and~~ summoned to attend as a juror in any court, shall fail neglect to attend without any sufficient excuse, he shall pay a fine not exceeding \$100 ~~\$20~~, which shall be imposed by the court to which the jury was summoned, and, in addition, such failure may be considered a contempt of court shall be paid into the county treasury.

Section 11. Subsection (3) is added to section 40.271, Florida Statutes, to read:

40.271 Jury service.—

(3) Threats of dismissal from employment for any cause to any person summoned for jury service in this state because of the nature or length of service upon such jury may be deemed a contempt of the court from which the summons issued.

Section 12. Section 40.29, Florida Statutes, is amended to read:

40.29 Clerks to estimate amount for pay of jurors and witnesses and make requisition.—~~Within 4 weeks of the commencement of any term of The clerk of the circuit court or county court in and for any county; whether the same be a regular, special, or adjourned term, the clerk of such court shall make an estimate of the amount necessary for the payment by the state of jurors in the circuit court and the county court, during any quarterly fiscal period beginning July 1 and during each succeeding quarterly fiscal period, and of witnesses before the grand jury, and of witnesses summoned to appear before the state attorney with respect to any investigation prior to an indictment being returned or information being filed as a result of such investigation, and forward each such estimate to the Comptroller no later than the date scheduled by the Comptroller. At the time of any forwarding of such estimate, the clerk of said court shall make his requisition upon the Comptroller for the amount of such estimate, and the Comptroller may reduce the amount if in his judgment the requisition is excessive.~~

Section 13. Section 40.30, Florida Statutes, is amended to read:

40.30 Requisition endorsed by Comptroller and countersigned by Governor.—Upon receipt of such estimate and the requisition from the clerk of the circuit court or the clerk of the county court, the Comptroller shall endorse the amount that he may deem necessary for the pay of said jurors and witnesses during the quarterly fiscal period in said courts and witnesses before the grand jury, which endorsement shall

be countersigned by the Governor, and the State Comptroller Treasurer shall transmit that amount by state warrant to the clerk making such requisition.

Section 14. Section 40.31, Florida Statutes, is amended to read:

40.31 Comptroller may apportion appropriation.—If the Comptroller shall have reason to believe that the amount appropriated by the Legislature is insufficient to meet the expenses of jurors and witnesses during the remaining part of the state fiscal year in all the courts at the next ensuing terms of the circuit court or county court, he may apportion the money in the treasury for that purpose among the several counties, basing such apportionment upon the amount expended for the payment of jurors and witnesses in each county during the prior fiscal year at the last regular term of said courts. In such case the State Comptroller Treasurer shall remit only the amount so apportioned to each county, and when the amount so apportioned is insufficient to pay in full all the jurors and witnesses during a quarterly fiscal period at any term of the said court, the clerk of the circuit court or the clerk of the county court shall apportion the money received by him pro rata among the jurors and witnesses entitled to pay at each term, and shall give to each juror or witness a certificate of the amount of compensation still due, which certificate shall be held by the Comptroller as other demands against the state.

Section 15. Section 40.32, Florida Statutes, is amended to read:

40.32 Clerks to disburse money.—All moneys drawn from the treasury under the provisions of this chapter by the clerk of the circuit court or the clerk of the county court shall be disbursed by the clerk of the said court as far as needed in payment of jurors and witnesses for the legal compensation for service during the quarterly fiscal period at the term of the court for which said moneys were drawn and for no other purposes. Jurors and witnesses shall be paid by the appropriate clerk of the court either in cash as now permitted under this chapter or by warrant within 10 days of completion of jury service or of completion of service as a witness. Whenever the clerk of the court pays a juror or witness by cash, said juror or witness shall sign the payroll in the presence of the clerk, a deputy clerk, or some other person designated by the clerk. Whenever the clerk pays a juror or witness by warrant he shall endorse on the payroll opposite the juror's or witness' name the words "Paid by warrant" giving the number and date of the warrant. Should any of the said moneys remain in the hands of said clerks unexpended after the payment of all of said jurors properly on the payroll at any term of the circuit court or county court, the clerk of any such court shall transmit the same to the Comptroller within 10 days after the adjournment of such court, and upon failure to do so shall be suspended from office by the Governor until the next meeting of the Legislature when the Governor shall report his action to the senate.

Section 16. Section 40.33, Florida Statutes, is amended to read:

40.33 Deficiency.—If ~~Should~~ the compensation of jurors and witnesses during a quarterly fiscal period exceeds at any term of the circuit court or county court exceed the amount estimated by the clerk of the court and therefore is be insufficient to pay in full the jurors and witnesses, the clerk of the court shall make his further requisition upon the Comptroller for the amount necessary to pay such default and the amount required shall be transmitted to the clerk of the court in the same manner as the original requisition or order.

Section 17. Section 40.34, Florida Statutes, is amended to read:

40.34 Clerks to make triplicate payroll.—

(1) The Clerk of the court clerks of the several courts of record in this state whose jurors are paid from state funds, and whose witnesses before the grand jury or prosecuting attorney are paid from state funds, shall make out a payroll in triplicate for the payment of jurors and witnesses, which payroll shall contain:

(a) The name of each juror and witness, entitled to be paid with state funds, who attended any session of such court, or

appeared before the grand jury or before the prosecuting attorney;

(b) The number of days for which such jurors and witnesses are entitled to be paid for;

(c) The number of miles traveled by each; and

(d) The total compensation each such juror or witness is entitled to receive.

(2) The form of such payroll shall be prescribed by the State Comptroller. ~~Each juror and witness paid in each by the clerk shall sign the payroll in the presence of the clerk, a deputy clerk or some other person designated by the clerk. Whenever the clerk pays a juror or witness by warrant he shall endorse on the payroll opposite the name of the juror or witness the words: "Paid by warrant" giving the number and date of the warrant.~~

(3) Compensation paid a witness or juror shall be attested as provided in s. 40.32. The payroll shall be approved by the signature of the clerk, or his deputy, except the payroll as to witnesses appearing before the state prosecuting attorney which payroll shall be approved by the signature of the state ~~said~~ prosecuting attorney, or an assistant state attorney.

(4) ~~(3)~~ The clerks of the courts ~~aforsaid~~ shall forward two copies of such payrolls to the State Comptroller, within 2 weeks ~~10 days~~ after the last day of the quarterly fiscal period, and the Comptroller ~~each adjournment of such courts, who shall audit such payrolls them.~~

(4) If upon audit as ~~aforsaid~~ the said payrolls are found correct the State Comptroller shall draw his warrant on the State Treasury for the amount due thereon, and shall deliver the same to the State Treasurer, together with all amounts returned by the said clerks, taking up the requisition of the clerk given the Treasurer.

Section 18. Section 40.35, Florida Statutes, is amended to read:

40.35 Accounting and payment to the Comptroller.—

(1) The clerk of ~~any~~ of the court ~~said courts~~ shall, within 2 weeks after the last day of the quarterly fiscal period ~~adjournment of any term~~, render to the Comptroller a full statement of his accounts for moneys received and disbursed by him under the provisions of this chapter, and ~~refund to the Comptroller pay over~~ any balance in the clerk's ~~his~~ hands. If, upon audit, the payrolls are found correct and reconcile to the statement of account, the Comptroller shall draw his warrant on the State Treasury for the amount due thereon, and shall deliver the same to the State Treasurer, together with all amounts returned by the clerk of the court, taking up the requisition of the clerk of the court given the State Treasurer. If upon audit the Comptroller shall determine a balance due the clerk of the court, the Comptroller shall draw his warrant on the State Treasury for the balance due thereon and shall deliver the same to the clerk of the court; ~~and~~

(2) If ~~should~~ any such clerk of the court fails ~~fail~~ to account for and pay over promptly the balance of all moneys so paid him, the sureties on his official bond shall be held liable and responsible for same; and the Comptroller shall report to the Governor any failure on the part of the clerk of the court to report and faithfully account for any such moneys; ~~and the Governor may, on account of such report from the Comptroller, suspend from office any such defaulting clerk until the next session of the Legislature.~~

Section 19. Subsection (1) of section 905.01, Florida Statutes, is amended to read:

905.01 Number and procurement of grand jury.—

(1) The grand jury shall consist of not less than 15 nor more than 18 persons. The provisions of law governing the qualifications, disqualifications, ~~excusals exemptions~~, drawing, summoning, supplying deficiencies, compensation, and procurement of petit jurors shall apply to grand jurors. In addition, no elected public official shall be eligible for service on a grand jury.

Section 20. Subsection (3) of section 905.37, Florida Statutes, is amended to read:

905.37 List of prospective jurors; impanelment; composition of jury; compensation.—

(3) A statewide grand jury shall be composed of 18 members, of which 15 members shall constitute a quorum. Each member of the statewide grand jury shall ~~be a registered elector have been a resident of the state for not less than 1 year and otherwise qualified as a juror in the county in which he resides.~~ In all other respects a statewide grand juror shall have the same qualifications as provided in this chapter in the case of a county grand jury.

Section 21. Sections 40.03, 40.04, 40.05, 40.06, 40.061, 40.10, 40.101, 40.11, 40.20, 40.22, 40.25, 40.28, 40.39, 40.40, 40.42, and 40.43, Florida Statutes, and section 40.07, Florida Statutes, as amended by chapters 77-102 and 77-431, Laws of Florida, section 40.09, Florida Statutes, as amended by chapters 77-359 and 77-431, Laws of Florida, and section 40.13, Florida Statutes, as amended by chapter 77-359, Laws of Florida, are hereby repealed.

Section 22. This act shall take effect January 1, 1980.

Amendment 2—On pages 1 and 2, lines 2 through 31, on page 1 and lines 1 through 27, on page 2 strike all of lines 2 through 31 on page 1 and all of lines 1 through 27 on page 2 and insert:

An act relating to juries; amending ss. 40.01, 40.015(1), 40.02, 40.08, 40.23, 40.231, 40.24, 40.27, 40.29-40.35, 905.01(1) and 905.37(3), Florida Statutes, and adding a subsection to s. 40.271, Florida Statutes, prescribing qualifications for jurors; prescribing procedures for the creation of jury districts; prescribing procedures for the selection and security of jury lists; prescribing procedures for court administrator to perform certain duties; providing for certain persons to be excused or postponed from jury service; prescribing procedures for summoning jurors; providing for jury pools; providing for payment of jurors summoned; providing for penalties; prescribing procedures for the estimation, requisition, apportionment, and disbursement of state funds for the payment of jurors and certain witnesses; prescribing procedures for accounting for such payments; providing for the procurement of a grand jury; prescribing qualifications for grand jurors; repealing ss. 40.03, 40.04, 40.05, Florida Statutes, relating to selection of jury lists; repealing s. 40.06, Florida Statutes, relating to the transcription and preservation of jury lists; repealing s. 40.061, Florida Statutes, requiring the addresses of persons on jury lists; repealing s. 40.07, Florida Statutes, relating to disqualification of jurors; repealing ss. 40.09 and 40.13, Florida Statutes, and ss. 40.10 and 40.11, Florida Statutes, relating to jury commissioners; repealing s. 40.101, Florida Statutes, relating to means of gathering information concerning prospective jurors; repealing s. 40.20, Florida Statutes, relating to procedures to be followed if there is a deficiency of jurors; repealing s. 40.22, Florida Statutes, relating to issuance of venire, repealing s. 40.25, Florida Statutes, relating to pay of jurors in vacation; repealing s. 40.28, Florida Statutes, relating to penalty for failure to draw or summon jurors; transferring and amending s. 40.36, Florida Statutes, relating to drawing of petit and grand jury venire; transferring and amending s. 40.371, Florida Statutes, prescribing alternative selection method for drawing venire; repealing s. 40.39, Florida Statutes, relating to duties of clerk of court; repealing s. 40.40, Florida Statutes, relating to the drawing of grand jurors; repealing ss. 40.42 and 40.43, Florida Statutes, which relate to deficiency, or excess in jury box, omissions, etc.; providing an effective date.

On motions by Senator Hair, the Senate refused to concur in the House amendments and the House was requested to recede. The action of the Senate was certified to the House.

## EXECUTIVE BUSINESS

On motion by Senator Winn, staff members of the Committee on Executive Business were granted privileges of the floor during consideration of the committee's reports on Executive Suspensions and Appointments.



Senator Winn presented the following reports:

The Honorable Philip D. Lewis  
President, The Florida Senate

February 7, 1979

Dear Mr. President:

This report concerns proceedings by the Committee on Executive Business on the Executive Order of Suspension, EXO Number 75-25, whereby the Honorable Joyce Goldberg, County Commissioner of Dade County, Florida, was suspended from office.

It has been brought to the attention of the committee that an Executive Order of Reinstatement, EXO Number 79-8, dated February 5, 1979, has been entered by His Excellency D. Robert Graham, thereby revoking the Order of Suspension and reinstating the Honorable Joyce Goldberg to the aforesaid office, effective immediately.

In view of the foregoing, the Committee on Executive Business advises that no further action by the Senate is authorized or required by the Florida Constitution. The committee recommends, therefore, that the Senate take no further action on the above-referenced matter and that this suspension case be closed.

Respectfully submitted,  
*Sherman S. Winn, Chairman*  
*James A. Scott, Vice Chairman*  
*Joe Carlucci*  
*Pat Frank*  
*Paul B. Steinberg*

February 7, 1979

The Honorable Philip D. Lewis  
President, The Florida Senate

Dear Mr. President:

This report concerns proceedings by the Committee on Executive Business on the Executive Order of Suspension, EXO Number 75-24, whereby the Honorable Edward T. Graham, County Commissioner of Dade County, Florida, was suspended from office.

It has been brought to the attention of the committee that an Executive Order of Reinstatement, EXO Number 79-7, dated February 5, 1979, has been entered by His Excellency D. Robert Graham, thereby revoking the Order of Suspension and reinstating the Honorable Edward T. Graham to the aforesaid office, effective immediately.

In view of the foregoing, the Committee on Executive Business advises that no further action by the Senate is authorized or required by the Florida Constitution. The committee recommends, therefore, that the Senate take no further action on the above-referenced matter and that this suspension case be closed.

Respectfully submitted,  
*Sherman S. Winn, Chairman*  
*James A. Scott, Vice Chairman*  
*Joe Carlucci*  
*Pat Frank*  
*Paul B. Steinberg*

February 7, 1979

The Honorable Philip D. Lewis  
President, The Florida Senate

Dear Mr. President:

This report concerns proceedings by the Committee on Executive Business on the Executive Order of Suspension, EXO Number 75-23, whereby the Honorable Edward T. Stephenson, County Commissioner of Dade County, Florida, was suspended from office.

It has been brought to the attention of the committee that an Executive Order of Reinstatement, EXO Number 79-6, dated February 5, 1979, has been entered by His Excellency D. Robert Graham, thereby revoking the Order of Suspension and reinstating the Honorable Edward T. Stephenson to the aforesaid office, effective immediately.

In view of the foregoing, the Committee on Executive Business advises that no further action by the Senate is authorized or

required by the Florida Constitution. The committee recommends, therefore, that the Senate take no further action on the above-referenced matter and that this suspension case be closed.

Respectfully submitted,  
*Sherman S. Winn, Chairman*  
*James A. Scott, Vice Chairman*  
*Joe Carlucci*  
*Pat Frank*  
*Paul B. Steinberg*

May 23, 1979

The Honorable Philip D. Lewis  
President, The Florida Senate

Dear Mr. President:

The Senate Committee on Executive Business submits this final report on the matter of the suspension of Thomas H. McCann.

By Executive Order Number 78-66, filed with the Secretary of State on November 14, 1978, His Excellency Reubin O'D. Askew, as Governor, suspended Thomas H. McCann from the office of Notary Public of the State of Florida.

The suspension order states that Thomas H. McCann was commissioned as a Notary Public of the State of Florida on June 24, 1977, and that as a Notary Public of the State of Florida, Thomas H. McCann is a "state officer" within the meaning of Article 4, Section 7, Florida Constitution, 1968 Revision. The suspension order charges that Thomas H. McCann, while holding the aforesaid office, violated certain provisions of the law, to wit: s. 117.09, Florida Statutes, by erasing the name of an affiant from a document which he, Thomas H. McCann, had notarized; by allowing another name to be filled in over the erasure without witnessing it; and by leaving the document intact to reflect that he actually notarized the signature.

The Senate assumed jurisdiction of this matter on November 21, 1978, and this matter was referred to the Senate Committee on Executive Business on November 30, 1978. Proceedings by the committee were stayed, pursuant to Senate Rule 12.7(b), during the pendency of proceedings at the trial court level.

On April 17, 1979, Thomas H. McCann submitted to the Governor his resignation, effective immediately. The Governor, His Excellency Bob Graham, accepted that resignation on April 26, 1979.

Based upon the investigation conducted by this committee, it is the finding of this committee that Thomas H. McCann was suspended from the office of Notary Public of the State of Florida on November 14, 1978; that he has submitted his resignation, and by that act, he has evidenced a clear intention to waive and renounce any rights which he may have had to contest his suspension; and that the Governor has accepted his resignation, effective April 26, 1979.

It is the recommendation of this committee, therefore, that no further action be taken by the Senate with respect to this matter.

Respectfully submitted,  
*Sherman S. Winn, Chairman*  
*James A. Scott, Vice Chairman*  
*Joe Carlucci*  
*Pat Frank*  
*Paul B. Steinberg*

May 23, 1979

The Honorable Philip D. Lewis  
President, The Florida Senate

Dear Mr. President:

This report concerns proceedings by the Committee on Executive Business on the Executive Order of Suspension, EXO Number 78-52, whereby the Honorable Rollin W. Zimmerman, Sheriff of Brevard County, Florida, was suspended from office.

It has been brought to the attention of the Committee on Executive Business that an Executive Order of Reinstatement, EXO Number 79-31, dated May 17, 1979, has been entered by His Excellency Bob Graham, thereby revoking the Order of

Suspension and reinstating the Honorable Rollin W. Zimmerman to the aforesaid county office, effective at 12 noon, June 4, 1979.

In view of the foregoing, the Committee on Executive Business advises that no further action by the Senate is authorized or required by the Florida Constitution. The Committee recommends, therefore, that the Senate take no further action on the above-referenced matter and that this suspension case be closed.

Respectfully submitted,  
*Sherman S. Winn, Chairman*  
*James A. Scott, Vice Chairman*  
*Joe Carlucci*  
*Pat Frank*  
*Paul B. Steinberg*

On motions by Senator Winn, the foregoing report on the Executive Order of Suspension of Mrs. Stanley (Joyce) Goldberg, Member, Board of County Commissioners, Dade County, was accepted and the Senate took no further action in view of the revocation of the Executive Order of Suspension; the foregoing report on the Executive Order of Suspension of Edward T. Graham, Member, Board of County Commissioners, Dade County, was accepted and the Senate took no further action in view of the revocation of the Executive Order of Suspension; the foregoing report on the Executive Order of Suspension of Edward T. Stephenson, Member, Board of County Commissioners, Dade County, was accepted and the Senate took no further action in view of the revocation of the Executive Order of Suspension; the foregoing report on the Executive Order of Suspension of Thomas H. McCann, Notary Public, State of Florida, was accepted and the Senate took no further action in view of the resignation from office of Thomas H. McCann; the foregoing report on the Executive Order of Suspension of Rollin W. Zimmerman, Sheriff, Brevard County, was accepted and the Senate took no further action in view of the revocation of the Executive Order of Suspension.

The Honorable Philip D. Lewis  
 President, The Florida Senate

May 23, 1979

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment	For Term Ending
1. Department of Administration, Secretary Appointees: Henderson, Wallace W. ( <i>Resigned</i> ) Tait, William J., Jr.	Pleasure of Governor Pleasure of Governor
2. Florida Barbers' Board, Members Appointees: Carswell, Robert H. Chance, Edward W. Edenfield, Emory O. English, Beno L. Mobley, Lenora W. Smith, L. R.	6/30/79 6/30/82 6/30/79 6/30/82 8/10/82 6/30/80
3. Department of Business Regulation, Secretary Appointees: Burroughs, R. B., Jr. Walter, J. Jackson ( <i>Resigned</i> )	Pleasure of Governor Pleasure of Governor
4. Career Service Commission, Member Appointee: Crevasse, Joseph Martin, Jr.	11/22/79
5. Florida Citrus Commission, Member Appointee: Davis, Joe L.	5/31/79
6. Escambia County Civil Service Board, Member Appointee: Grimes, Isabella P.	2/15/79
7. Hillsborough County Civil Service Board, Members Appointees: Almeida, Diana Toledo Diecidue, Dennis G.	7/ 2/81 7/ 2/81
Office and Appointment	For Term Ending
Ford, Nancy T. ( <i>Resigned</i> ) Stringer, Thomas E. Vizcaino, Victor	7/ 2/81 7/ 2/79 7/ 2/81
8. Central Florida Community College, Board of Trustees, Members Appointees: Mathis, Benjamin L. Steddom, Mary B.	5/31/81 5/31/82
9. Daytona Beach Community College, Board of Trustees, Member Appointee: Shoemaker, Merhl E.	5/31/82
10. Edison Community College, Board of Trustees, Members Appointees: Baker, Ida S. Craighead, Agnes Elizabeth Salley, Holland T.	5/31/82 5/31/82 5/31/82
11. Florida Junior College at Jacksonville, Board of Trustees, Member Appointee: Lewis, A. Noody	5/31/82
12. Hillsborough Community College, Board of Trustees, Members Appointees: Bevis, Colleen L. Bowden, Hilman F.	5/31/82 5/31/82
13. Lake-Sumter Community College, Board of Trustees, Members Appointees: Carbaugh, Robert K. Martin, Edythe H. ( <i>Deceased</i> ) Meador, Robert Roy, Jr. Williams, Almeda F.	5/31/82 5/31/82 5/31/82 5/31/82
14. Okaloosa-Walton Junior College, Board of Trustees, Members Appointees: McCaskill, John E. ( <i>Deceased</i> ) Simon, Isaac	5/31/82 5/31/82
15. Palm Beach Junior College, Board of Trustees, Member Appointee: Dyson, Hisetta S.	5/31/82
16. St. Johns River Community College, Board of Trustees, Member Appointee: Keyes, Annie Lee	5/31/81
17. Tallahassee Community College, Board of Trustees, Member Appointee: Morrison, Clarence L.	5/31/82
18. State Board of Independent Colleges and Universities, Members Appointees: Dansby, Grace H. Spiro, Robert Harry	8/ 1/81 8/18/79
19. Department of Commerce, Secretary Appointee: Levin, Sidney	Pleasure of Governor
20. Department of Community Affairs, Secretary Appointee: Heggen, Joan M.	Pleasure of Governor
21. Department of Corrections, Secretary Appointee: Wainwright, Louie L.	Pleasure of Governor
22. State Board of Cosmetology, Members Appointees: Baker, Delbert L. Diaz, Katuska Murphy, Sharon E. O'Shea, Joan S. O'Shea, Joan Williams, Irene E. Williams, Irene E.	1/ 1/81 1/ 1/80 1/ 1/80 6/27/81 1/ 1/81 8/ 9/82 1/ 1/82
23. Florida Elections Commission, Members Appointees: Huckshorn, Robert J. Johnson, Benjamin A. Kelley, Anne E.	12/ 5/81 12/10/81 12/10/81
24. Department of Environmental Regulation, Secretary Appointees: Landers, Joseph W., Jr. ( <i>Resigned</i> ) Varn, Jacob D.	Pleasure of Governor Pleasure of Governor

Office and Appointment	For Term Ending	Office and Appointment	For Term Ending
25. Environmental Regulation Commission, Member Appointee: Wilson, Susan Uhl	7/ 1/81	41. Public Service Commission, Members Appointees: Mann, Robert T. Marks, John R. III Mayo, William T.	1/ 1/82 1/ 1/82 1/ 1/81
26. Commission on Ethics, Member Appointee: Middlebrooks, Donald M.	6/30/80	42. Board of Regents, Members Appointees: Ausley, DuBose Sessums, T. Terrell	1/ 1/86 1/ 1/88
27. Florida State Fair Authority, Members Appointees: Bispham, Cyrus G. Davis, Charles M. Gage, George H., Jr. Lykes, Charles P. Rice, Crawford P. Robbins, Bruce M., Jr. Wright, Parke, III	7/ 1/80 7/ 1/82 7/ 1/82 7/ 1/82 7/ 1/82 7/ 1/82 7/ 1/82	43. State Retirement Commission, Members Appointees: Friedman, Howard Jay Tingle, John F.	12/31/81 12/31/82
28. Florida Student Financial Assistance Commission, Members Appointees: Butler, William R. Perkins, Paul C.	6/30/81 6/30/81	44. Florida School for the Deaf and the Blind, Board of Trustees, Member Appointee: Pritchard, Alva Dean Christie	11/19/80
29. Firefighters Standards and Training Council, Members Appointees: Langer, David Yarbrough, Russell	Pleasure of Fire Marshal Pleasure of Fire Marshal	45. State Board of Independent Post-secondary Vocational, Technical, Trade and Business Schools, Members Appointees: Lanham, Garnett Lexow, Clausson P. McNabb, Betty Wood Sloan, Raynell E.	7/ 1/81 7/ 1/81 7/ 1/81 7/ 1/79
30. Board of Funeral Directors and Embalmers, Members Appointees: Giddens, Ronald T. Middlebrooks, J. Elisabeth Williams, Everett H., Jr.	7/18/82 8/ 9/82 10/ 2/82	46. Department of Transportation, Secretary Appointees: Rose, William N. Webb, Thomas B., Jr. (Resigned)	Pleasure of Governor Pleasure of Governor
31. Game and Fresh Water Fish Commission, Members Appointees: Bailey, Cecil C. Hires, Thomas L., Sr.	1/ 5/84 1/ 6/83	47. South Florida Water Management District Governing Board, Members Appointees: Hundley, John L. Padrick, Robert W.	7/ 1/79 7/ 1/82
32. Department of Health and Rehabilitative Services, Secretary Appointee: Pingree, David H.	Pleasure of Governor	48. Southwest Florida Water Management District Governing Board, Members Appointees: Lambert, Ronald B. Longino, Berryman T. Stephens, Clifton Stubbs, Wm. O., Jr.	7/ 1/82 6/30/82 7/ 1/82 7/ 1/82
33. Department of Labor and Employment Security, Secretary Appointee: Orr, Wallace E.	Pleasure of Governor	49. Pithlachascootee River Basin Board of the Southwest Florida Water Management District, Member Appointee: Register, Max	6/30/81
34. Department of Law Enforcement, Executive Director Appointee: Blackburn, R. Ed	Pleasure of Governor	50. Withlacoochee River Basin Board of the Southwest Florida Water Management District, Member Appointee: Zeller, Wilbur U.	6/30/80
35. Florida Board of Massage, Members Appointees: Bosetti, Anthony D. Brogan, Edward J. (Resigned) Canfield, Charles E. Harris, Susan F.	1/ 1/82 1/ 1/82 1/ 1/80 1/ 1/82	As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.	
36. Board of Examiners of Nursing Home Administrators, Members Appointees: Rogers, Rowena E. Spearman, Sallie K. (Resigned) Ware, Patsy J.	12/28/81 10/17/82 7/ 7/80	After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee, by a separate vote as to each appointee, respectfully advises and recommends:	
37. Tampa Port Authority, Member Appointee: Simms, William V.	11/14/82	(1) That the executive appointment of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate.	
38. Historic St. Augustine Preservation Board of Trustees, Member Appointee: Collins, Mary Call	8/31/82	(2) That Senate action on said appointments be taken prior to adjournment of the 1979 Regular Session.	
39. Historic Tampa-Hillsborough County Preservation Board of Trustees, Members Appointees: Fleischman, Sol, Jr. Jennewein, Joan W. Waterman, Patricia	11/ 1/81 11/ 1/81 11/ 1/81	(3) That there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.	
40. Department of Professional and Occupational Regulation, Secretary Appointee: Wittenberg, Nancy Kelley	Pleasure of Governor	Respectfully submitted, Sherman S. Winn, Chairman James A. Scott, Vice Chairman Joe Carlucci Pat Frank Paul B. Steinberg	

Senator Tobiassen moved that the appointment of Howard Jay Friedman to the State Retirement Commission be re-referred to the Committee on Executive Business for reconsideration. The motion failed.

Senator Tobiassen moved that consideration of the appointment of Howard Jay Friedman be temporarily passed. The motion failed.

Senator Winn moved that the report on executive appointments be accepted and the Senate confirm the appointments identified in the foregoing report of the committee, to the offices and for the terms indicated, in accordance with the recommendations of the committee. The motion was adopted.

The Honorable Philip D. Lewis  
President, The Florida Senate  
Room 409, The Capitol  
Tallahassee, Florida 32304

May 23, 1979

Dear Mr. President:

The executive appointment of Oswald P. Bronson to the office of Member, State Board of Independent Colleges and Universities for a term ending August 24, 1981, was referred to the Senate Executive Business Committee for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate.

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointee for appointment to the office indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearing, the committee respectfully advises and recommends that, in accordance with s. 114.05(1)(e), Florida Statutes, the Senate vote to take no action on the appointment of Oswald P. Bronson to the office of Member, State Board of Independent Colleges and Universities; that the Senate vote be taken prior to adjournment of the 1979 Regular Session; and that there is no necessity known to the committee for the deliberations on the appointment to be held in executive session.

Respectfully submitted,  
*Sherman S. Winn, Chairman*  
*James A. Scott, Vice Chairman*  
*Joe Carlucci*  
*Pat Frank*  
*Paul B. Steinberg*

The Honorable Philip D. Lewis  
President, The Florida Senate  
Room 409, The Capitol  
Tallahassee, Florida 32304

May 23, 1979

Dear Mr. President:

This report concerning confirmation proceedings on the executive appointments of the below-named appointees to the offices indicated is for the information of the Senate.

*Office and Appointment*

- |   |  |
|---|--|
| 1. Department of Commerce, Secretary<br>Appointee: Cooney, James J.   | <i>For Term Ending</i><br>Pleasure of Governor |
| 2. Department of Environmental Regulation,<br>Secretary<br>Appointee: Tschinkel, Victoria Jean                                | Pleasure of Governor                           |
| 3. Department of Labor and Employment Security,<br>Secretary<br>Appointee: Williams, Mary Christine<br>Williams, M. Christine | Pleasure of Governor<br>Pleasure of Governor   |
| 4. Jacksonville Transportation Authority, Member<br>Appointee: Paxson, Wesley C.  | 5/31/82  |

The Senate Committee on Executive Business has failed to consider the appointments listed above because the committee finds that James J. Cooney, Victoria J. Tschinkel and Mary Christine Williams are no longer in office, and because consideration of the appointment of Wesley C. Paxson was temporarily passed. Therefore, the committee respectfully advises and recommends:

- (1) That the Senate fail to consider the appointments during the 1979 Regular Session.
- (2) That the failure to consider the appointments be noted in the pages of the Journal of the Senate in accordance with s. 114.05(1)(e), Florida Statutes.

Respectfully submitted,  
*Sherman S. Winn, Chairman*  
*James A. Scott, Vice Chairman*  
*Joe Carlucci*  
*Paul B. Steinberg*  
*Pat Frank*

On motion by Senator Winn, the reports were accepted and the Senate took no action and failed to confirm the appointments identified in the foregoing reports of the committee, to the offices and for the terms indicated, in accordance with the recommendations of the committee.

On motion by Senator Winn, the foregoing reports of the Committee on Executive Business were adopted. The vote was:

Yeas—38

Mr. President	Gorman	McClain	Stuart
Anderson	Grizzle	McKnight	Thomas
Barron	Hair	Myers	Tobiassen
Carlucci	Henderson	Neal	Trask
Chamberlin	Hill	Peterson	Vogt
Childers, D.	Holloway	Scarborough	Ware
Childers, W. D.	Jenne	Scott	Williamson
Dunn	Johnston	Skinner	Winn
Frank	MacKay	Spicola	
Gordon	Maxwell	Steinberg	

Nays—None

Vote after roll call:

Yea—Poole

The Honorable Philip D. Lewis  
President, The Florida Senate  
Room 409, The Capitol  
Tallahassee, Florida 32304

May 23, 1979

Dear Mr. President:

The executive appointment of Edward Porter to the office of Member, State Board of Independent Colleges and Universities for a term ending August 25, 1979, was referred to the Senate Executive Business Committee for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate.

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointee for appointment to the office indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearing, the committee respectfully advises and recommends that, in accordance with s. 114.05(1)(d), Florida Statutes, the Senate vote to refuse to confirm the appointment of Edward Porter to the office of Member, State Board of Independent Colleges and Universities; that the Senate vote be taken prior to adjournment of the 1979 Regular Session; and that there is no necessity known to the committee for the deliberations on the appointment to be held in executive session.

Respectfully submitted,  
*Sherman S. Winn, Chairman*  
*James A. Scott, Vice Chairman*  
*Joe Carlucci*  
*Pat Frank*  
*Paul B. Steinberg*

Senator Steinberg moved that the foregoing report on the appointment of Edward Porter to the office of Member, State Board of Independent Colleges and Universities, be temporarily deferred. The motion was adopted.

On motion by Senator Barron, the rules were waived and by two-thirds vote HB 1574 was placed at the beginning of the Special Order Calendar.

### SPECIAL ORDER

HB 1574—A bill to be entitled An act relating to transportation; creating a Coordinating Council on the Transportation Disadvantaged; providing powers and duties; requiring the Department of Transportation to provide for the planning and service development of transportation for the elderly, handicapped and other disadvantaged; providing for expenditures of state and federal funds for the transportation disadvantaged; providing for utilization of metropolitan planning organizations; providing for development of transportation improvement programs and designation of coordinated community transportation providers; providing effective and expiration dates.

—was taken up with pending Amendment 1 which failed.

### Senator Barron presiding

Senator Williamson moved the following amendments which failed:

Amendment 2—On page 8, line 1, strike all of line 1, and on line 2, strike the word "designate" and insert: Designate

Amendment 3—On page 6, strike lines 29, 30, and 31 and on page 7, strike lines 1 and 2.

Amendment 4—On page 7, lines 8 and 9, strike "and approved"

Senator Neal moved the following amendment which failed:

Amendment 5—On page 6, lines 29-31, on page 7, lines 1-31, and on page 8, lines 1-2, strike all of said lines and insert: Section 4. The Department of Transportation, in carrying out the policies and procedures of the coordinating council, shall:

(1) Prepare a statewide 5-year transit and paratransit development plan addressing the transportation problems of the transportation disadvantaged. The plan shall be reviewed by the coordinating council and may be amended as authorized by rules promulgated by the coordinating council. The plan shall be developed in a manner that will assure maximum use of existing resources and optimum integration and coordination of the various modes of transportation. In addition, the plan shall incorporate transportation improvement programs developed by metropolitan planning organizations, as well as plans developed by the body or agency designated by the Department of Transportation in areas outside the purview of metropolitan planning organizations, as provided for in subsection (3). Further, prior to the commencement of each fiscal year, the Department of Transportation shall develop an annual element of the 5-year plan, which shall also be reviewed and approved by the coordinating council and which may be amended in accordance with rules promulgated by the coordinating council. The annual element shall outline the manner in which transportation disadvantaged funds are to be expended. No transportation disadvantaged funds shall be expended unless they are contained in the annual element.

(2) Have the primary responsibility for monitoring and, without delaying the application process, coordinating applications for all transportation disadvantaged funds.

(3) Designate an official body or agency in any area outside the

### The President presiding

On motion by Senator Johnston, by two-thirds vote HB 1574 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McClain	Thomas
Anderson	Grizzle	Myers	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Childers, D.	Hill	Scarborough	Ware
Childers, W. D.	Holloway	Scott	Williamson
Dunn	Jenne	Skinner	Winn
Fechtel	Johnston	Spicola	
Frank	MacKay	Steinberg	
Gordon	Maxwell	Stuart	

Nays—1

Neal

Votes after roll call:

Yea—Chamberlin, McKnight

Consideration of SB 1012, HB 1623 and CS for HB 510 was deferred.

SB 1208—A bill to be entitled An act relating to the Stephen Foster Memorial; repealing ss. 265.13, 265.14, 265.15, 265.151, Florida Statutes; relating to the Stephen Foster Memorial and the Stephen Foster Memorial Board of Trustees; transferring the Stephen Foster Memorial property and buildings, and the personnel and equipment to maintain said property and buildings, to the Department of Natural Resources; transferring the Florida Folk Arts Program component of the Stephen Foster Memorial to the Department of State; creating s. 265.135, Florida Statutes; defining "Folk Life"; creating s. 265.145, Florida Statutes; creating the Florida Folk Life Council in the Department of State; providing for its membership and duties; creating s. 265.155, Florida Statutes; directing the Department of State to employ a Folk Life Director for the Florida Folk Arts Program component and establish his qualifications; authorizing employment of staff and providing duties; creating s. 265.165, Florida Statutes; creating the Florida Folk Life Trust Fund under the administration of the Department of State; amending s. 592.13, Florida Statutes; directing the Division of Recreation and Parks to give priority use of the Stephen Foster Memorial facility to the performing arts function of the Folk Life Program; providing an effective date.

—was read the second time by title. On motion by Senator MacKay, by two-thirds vote SB 1208 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	Maxwell	Spicola
Anderson	Gordon	McClain	Steinberg
Barron	Gorman	McKnight	Stuart
Carlucci	Grizzle	Myers	Thomas
Chamberlin	Hair	Neal	Tobiassen
Childers, D.	Henderson	Peterson	Trask
Childers, W. D.	Hill	Scarborough	Vogt
Dunn	Johnston	Scott	Ware
Fechtel	MacKay	Skinner	Williamson

Nays—None

Vote after roll call:

Yea—Jenne

SB 1222—A bill to be entitled An act relating to health claim forms; amending s. 627.611(1), Florida Statutes, allowing for the use of attachments to the standard health claim form; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Neal:

Amendment 1—On page 1, lines 17-20, strike "The requirements of this section may also be met by an attachment to such form which includes all of the information required on the form itself." and insert: The requirements of this section may also be met by an attachment to the required physician

claim form that provides required information relating to diagnosis, medical procedures, services, date of service, supplies and the fees therefor. Provided, however, for the purpose of filing Medicaid claims such attachments shall be prohibited.

Senator Neal moved the following substitute amendment which was adopted:

**Amendment 2**—On page 1, lines 17-20, strike *"The requirements of this section may also be met by an attachment to such form which includes all of the information required on the form itself."* and insert: *The required information on diagnosis, medical procedures, services, date of service, supplies and fees may also be met by an attachment to the physician claim form. However, for the purpose of filing Medicaid claims such attachments shall be prohibited.*

The Committee on Commerce offered the following amendment which was moved by Senator Neal and failed:

**Amendment 3**—On page 1 in title, strike lines 4 and 5, and insert: the use of attachments to the required physician claim form; providing an exception; providing an effective date.

Pending further consideration of SB 1222 as amended, on motion by Senator Neal, the rules were waived and by two-thirds vote CS for HB 894 was withdrawn from the Committee on Commerce.

On motion by Senator Neal—

**CS for HB 894**—A bill to be entitled An act relating to health claim forms; amending s. 627.6111(1), Florida Statutes, allowing for the use of attachments to the standard health claim form; providing an effective date.

—a companion measure, was substituted for SB 1222 and read the second time by title. On motion by Senator Neal, by two-thirds vote CS for HB 874 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gordon	Maxwell	Steinberg
Anderson	Gorman	McClain	Stuart
Barron	Grizzle	McKnight	Thomas
Carlucci	Hair	Myers	Tobiasen
Chamberlin	Henderson	Neal	Trask
Childers, D.	Hill	Peterson	Vogt
Childers, W. D.	Holloway	Poole	Ware
Dunn	Jenne	Scarborough	Williamson
Fechtcl	Johnston	Skinner	Winn
Frank	MacKay	Spicola	

Nays—None

Vote after roll call:

Yea—Scott

SB 1222 was laid on the table.

**HB 1582**—A bill to be entitled An act relating to the Florida Treated Fence Post Act; adding subsection (8) to s. 501.90, Florida Statutes, 1978 Supplement, providing for stop-sale, stop-use, removal or hold orders with respect to treated fence posts which do not meet the requirements of the act; providing a penalty; providing for corrections of documentation or branding violations; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 1582 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dunn	Henderson	McKnight
Anderson	Fechtcl	Hill	Myers
Barron	Frank	Holloway	Peterson
Carlucci	Gordon	Johnston	Poole
Chamberlin	Gorman	MacKay	Scarborough
Childers, D.	Grizzle	Maxwell	Scott
Childers, W. D.	Hair	McClain	Skinner

Spicola	Thomas	Vogt	Williamson
Steinberg	Tobiasen	Ware	Winn
Stuart	Trask		

Nays—None

On motion by Senator Barron, the rules were waived and the Senate reverted to—

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Scott—

**SB 267**—A bill to be entitled An act relating to the Human Rights Act of 1977; providing legislative intent; amending s. 13.261(10), Florida Statutes, 1978 Supplement; providing that complaints alleging unlawful employment practices shall be filed within 180 days of the alleged violations; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 1, line 26, strike everything after the period (.) and insert: Section 2. The proposed amendment to the Constitution of the United States which amendment states the following:

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article. Section 3. This amendment shall take effect two years after the date of ratification."

This amendment is hereby ratified by the Legislature of the State of Florida.

**BE IT FURTHER ENACTED**, that certified copies of the foregoing be immediately forwarded by the Secretary of State of the State of Florida, under the great seal, to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and the Administrator of General Services of the United States.

Section 3. This act shall take effect upon becoming law.

**Amendment 2**—On page 1, line 7 in title, strike "providing an effective date." and insert the following title amendment: "ratifying the proposed amendment to the Constitution of the United States relating to equal rights for men and women; providing an effective date."

Senator Gordon moved that the Senate concur in House Amendment 1. The Senate refused to concur. The vote was:

Yeas—19

Chamberlin	Grizzle	MacKay	Steinberg
Childers, D.	Hair	Maxwell	Stuart
Dunn	Hill	McKnight	Vogt
Frank	Jenne	Myers	Winn
Gordon	Johnston	Scarborough	

Nays—21

Mr. President	Gorman	Poole	Trask
Anderson	Henderson	Scott	Ware
Barron	Holloway	Skinner	Williamson
Carlucci	McClain	Spicola	
Childers, W. D.	Neal	Thomas	
Fechtcl	Peterson	Tobiasen	

By direction of the President, the following statement was printed in the Journal following the vote on the ERA ratification amendment attached to SB 267 by the House of Representatives:



My decision on the Equal Rights Amendment notwithstanding, the Senate will continue to operate under the provisions of Senate Rule 1.18 and Senate Rule 2.15.

Today's action shall not be precedent-setting. All Senate bills to which the House adds amendments substantially changing or materially altering them will be referred, at the discretion of the President, to a Senate committee or committees where they will be treated as any other bill, under the provisions of Senate Rule 2.15. If they are reported favorably, with or without amendments, by the committee or committees, they will be placed on the calendar.

*Philip D. Lewis, President*

Senator Scott moved that SB 267 be indefinitely postponed. The motion was unanimously adopted.

#### SPECIAL ORDER, continued

HB 1674—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 11.075, 11.60(2)(i), 13.211(6), 13.241, 17.075, 18.11(1)(g), 27.36(4), 27.37(8), 27.56(1)(a), (3), (6), (7), 27.562, 30.09(4), 34.041(1), 61.1304(9), 61.1306(5), (10), 69.021(1), 73.071(3)(c), 83.49(4), 83.770, 83.776(2), 83.784(4), 97.021(6), (9)(a), 97.063(1), 98.212(3), 99.021(1)(a), 99.092(3), 99.095(3), (4), 100.111(3)(a), 101.031(2), 101.141, 101.151, 101.21(1), 101.22, 101.27(4), 101.47(12), 101.5609(6), 101.5612(1), 101.62(3), (4), 101.68(2), 101.73, 102.012(1), (2), 102.061, 102.071, 102.131, 102.141(3), 102.166, 102.168, 103.121(1)(g), 104.061, 104.071(2), 104.29, 105.041(2), 106.021(1)(c), 106.04(5), 106.07(4)(a)-(c), (e), (g), (h), 106.141(8), 106.15(2), 106.19(2), 106.24(2), 106.29(1), 112.045(2)(b), 112.08(1), (2), 114.04, 120.63(2)(b), 125.0103(5)(c), 125.0104(3)(c), (i), (4)(e), (5)(a), 129.02(2), 154.03(2), 163.357(2), 163.367(2), 163.385(3), 163.387(1)(b), (3), (4), 163.400(1)(d), 163.708(3), 177.503, 177.507(5), 196.0011(4), 196.032(3)(a), 196.1975(4)(a), 196.1976, 197.361, 200.011(6), 201.08(1), 201.23(2)(b), 205.171(3), 211.33(1)(b), 215.515(1), 216.141(2), 233.16(1), 235.018, 235.055(1), (2), 235.19(4), 235.31(2)(c), (e), (5), 235.4235(2), 239.56(1), 239.58(4), 239.685(7), 239.686(2), 240.103(2), 240.191(5), 246.101, 246.207(1)(j), 250.10(1)(j), 258.30(2)(g), 286.26, 287.084, 289.031(8), 292.11(4), 292.12, 316.1955(1), (2)(b), (4), (6), 316.530(3), 320.0806(1), 320.13(1)(a), 320.60(1), 323.03(9), 323.06(1), 323.22(2), 323.29(7), 324.011, 324.021(1), 334.03(22)-(24), 336.03(2), 336.63(3)(a), 364.05(4), 372.9905, 373.209(3)(b), 373.563(6), 380.06(2)(b), (4)(a)-(c), (7)(b), (h), (12)(b), 382.16(5)(b), 382.17(1), (2), 383.19(1), 393.063(8), (10), 393.067(2)(f), 393.11(2)(c), (e), 394.4781(3)(b), 394.69(4), 395.045(2), 403.101(3), 403.851(2), 403.855(2), 403.859(6), 403.861(1), 403.862(3), 403.863(6), 413.012(1), 413.013, 413.031(1)(a), 413.051(1), 413.069, 413.08(4)(c), 443.04(5)(a), 443.16(2)(d), 447.02(1), 447.203(4)(a), 447.205(10), 447.207(2), 447.301, 447.403(4), 448.09(3), 455.016(1), 458.131(1)(b), 458.24(2), 466.37, 468.106(1), (3)(a)-(d), 474.49(2), 475.17(4), 483.285(2), 483.291(3), 494.044(3), 494.08(3), 494.081, 501.138(1), 509.404, 509.410, 517.355(2), 517.359(2), (4), (5), 520.07(4), 520.34(7), 535.11(5), 540.11(3)(a), (4), 542.13(1)(b), 550.181(1)(a), (3), 552.22(1), 553.73(2), (6), 553.89(2)(a), 555.01, 555.08, 570.30, 588.13(3), (4), 590.02(4)(d), 607.224(1)(a), 618.221, 626.740(1), 626.9551(2), 631.397(3), 633.44, 634.313(1), 634.323(2), 639.07(1), 639.10(2)(c), 639.11(1), 639.17, 651.015(1), 651.026(4)(i), (8), 651.081, 651.085, 651.095(1), (3), 657.061(3)(b), 658.10(3)(b), 659.291(1), (2), 659.67(7)(c), (9)(c), (12), 687.12(1), 713.31(2)(c), 717.195, 718.123(1), 718.124, 718.301(1), 719.109(1), 719.110, 731.302, 732.504(2), 732.505(1), 733.602(1), 733.612(2), (13), 733.802(1), 733.817(1), 734.104, 735.301(1), 738.04(2), 738.06(2), 738.07(2), 741.041, 741.24(1), 744.441(2), (3), (7), (14), 744.444(4), 768.043(2)(c), (d), (3), 768.28(13), 768.40(1), 768.41(1), (4), 768.50(2)(c), 775.089(2), 776.08, 782.04(1)(a), (3), (4), 800.04, 812.012(2)(d), (9), 812.035(3)(c), (8), (10), 812.037, 918.15(3), 925.10(1)(b), 936.003(1), (2), 943.22(1)(b), (2)(g), 943.461(1)(a), 943.464(8), (10), 943.512(2)(d), 943.585(2), 947.181(2), 959.24(1), 960.06(1)(e), 960.09(3), 960.13(6), 960.14, 960.17(1), 960.20, and 960.21(2), Florida Statutes, and ss. 13.261(12), 28.24(9)(a), (29), 28.2401(4), 105.031(4), 106.14(4), 106.26(6), (7), (8), (12), 120.54(12)(a), 163.704(2), 212.031(1)(b), (5), 212.08(2), 235.26(1), 288.34(1)(c), 288.39(5)(b), 320.01(18)(b), 320.08(3)(b), 335.02(3), (4), 335.04(5), 337.25(2), (5), 372.57(19), 372.99(2)-(4), 381.493(3)(j), 394.86(2), 403.061(25), 410.034, 410.105, 410.107, 410.108(1), 410.109, 440.20(11)(c), 440.25(4)(b), 443.03(3), (4), (12), (13)(a), (14), 443.06(1)(b), 443.07(1), (2), (3)(d), 443.08(1), (2)(a), (3)(a), (4)(a), (e), 446.101(4), 459.225(9), 461.08(1)(d), 468.112(2)(c),

517.351(8), (9), 601.9914(4), (5), (6)(a), 626.989(3), 627.311(4), 627.736(2)(b), (5), (6)(b), (c), 627.7375(1)(a), 687.03(3), and 943.12(1), Florida Statutes (1978 Supplement), to conform said sections and subunits of sections to editorial additions or substitutions marked by bracketed insertions, and editorial deletions marked by ellipsis, in the Florida Statutes 1977 in order to remove inconsistencies, redundancies, and unnecessary repetition in the statutes and to otherwise improve the clarity of the statutes and facilitate their correct interpretation; creating ss. 166.043, 459.031, 459.24, and 460.263, Florida Statutes, to ratify the duplicate publication of ss. 1-6 of ch. 77-50, s. 4 of ch. 77-398, ss. 2-4 of ch. 77-30, and s. 4 of ch. 77-398, Laws of Florida, respectively.

—was read the second time by title.

The Committee on Rules and Calendar offered the following amendments which were moved by Senator Dunn and adopted:

**Amendment 1**—On pages 172 and 173, strike all of section 189, including the note; and renumber subsequent sections

**Amendment 2**—On page 2, in title, line 17, strike "447.203-(4)(a),"

On motion by Senator Dunn, by two-thirds vote HB 1674 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gordon	McClain	Stuart
Anderson	Gorman	McKnight	Tobiasen
Barron	Grizzle	Myers	Trask
Carlucci	Hair	Neal	Vogt
Chamberlin	Henderson	Poole	Ware
Childers, D.	Hill	Scarborough	Williamson
Childers, W. D.	Holloway	Scott	Winn
Dunn	Johnston	Skinner	
Fechtel	MacKay	Spicola	
Frank	Maxwell	Steinberg	

Nays—None

On motion by Senator Barron, the Senate recessed at 11:53 a.m. to reconvene at 2:00 p.m.

#### AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m.

A quorum present—40:

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiasen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fechtel	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

On motion by Senator Gordon, the rules were waived and the Senate reverted to—

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 463, 1161, 1098, 23, 1006, 418, 1156, 1257; House Bills 1556, 1570, 1395 and CS for HB 60 were withdrawn from the Committee on Ways and Means.

#### CONSENT CALENDAR

Consideration of SB 124 was deferred.

By the Committee on Economic, Community and Consumer Affairs and Senator Don Childers—

**CS for SB 844**—A bill to be entitled An act relating to recreation districts; amending s. 418.21, Florida Statutes, 1978 Supplement; providing for a five-member elected board of supervisors to be the governing body; providing an effective date.

—was read the first time by title and SB 844 was laid on the table.

On motions by Senator Don Childers, by two-thirds vote CS for SB 844 was read the second time by title.

The Committee on Judiciary-Civil offered the following amendments which were moved by Senator Don Childers and adopted:

**Amendment 1**—On page 1, strike all of lines 12 through and including line 25 and insert: 418.21 Governing body.—

(1) *The governing body of a recreation district shall be determined by the municipality or county which created the district and shall be either:*

(a) *a five-member board of supervisors elected from the residents of the district, or*

(b) *the governing body of the municipality or county which created the district.*

(2) *If the governing body is a board of supervisors, the ordinance creating the district shall specify the date of the election and shall provide that each property owner or resident in the district shall have the right to vote. The ordinance may also provide for the staggering of terms of the supervisors. Members of the board of supervisors shall serve without compensation.*

(3) *If the governing body is the governing body of the municipality or county which created the district, that body may appoint a district advisory board to advise it on all matters relating to the district. Members of the advisory board shall serve without compensation. The governing body of the municipality or county shall be the governing body of each recreation district created by it. The governing body may appoint a district advisory board to advise it on all matters relating to the district. Members of the advisory board shall serve without compensation.*

**Amendment 2**—On page 1 in title, strike all of lines 4 through and including line 5 and insert: Supplement; providing for a governing body of such districts;

On motion by Senator Don Childers, by two-thirds vote CS for SB 844 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Mr. President	Gorman	Maxwell	Spicola
Anderson	Grizzle	McClain	Steinberg
Carlucci	Hair	McKnight	Stuart
Chamberlin	Hill	Neal	Thomas
Childers, D.	Holloway	Peterson	Tobiasen
Fechtel	Jenne	Scarborough	Trask
Frank	Johnston	Scott	Winn

Nays—1

Williamson

Vote after roll call:

Yea—W. D. Childers

**SB 1034**—A bill to be entitled An act relating to the Administrative Procedure Act; adding paragraph (d) to s. 120.60(3), Florida Statutes, 1978 Supplement; providing for a 180-day period in which the Department of Insurance shall act on an application for a certificate of authority; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were moved by Senator Anderson and adopted:

**Amendment 1**—On page 1, line 12, strike all after Section 1. and insert: Subsections (4), (5), (6), (7) and (8) of section 120.60, Florida Statutes, 1978 Supplement, are renumbered as subsections (5), (6), (7), (8) and (9) respectively; subsection (3) is renumbered and amended and a new subsection (3) is added to said section to read:

120.60 Licensing.—

(3) *The provisions of subsection (2) notwithstanding, every application for a certificate of authority as required by s. 624.401 shall be approved or denied within 180 days after receipt of the original application. Any application for such a certificate of authority not approved or denied within the 180-day period, or within 30 days after conclusion of a public hearing held on the application, shall be deemed approved subject to the satisfactory completion of conditions required by statute as a prerequisite to license.*

(4) ~~(3)~~ In proceedings for the issuance, denial, renewal, or amendment of a license or approval of a merger pursuant to title XXXVI or title XXXVII:

(a)1. The Department of Banking and Finance shall have published in the Florida Administrative Weekly notice of the application within 21 days of receipt.

2. Within 21 days of publication of notice, any person may request a hearing, which upon request shall be conducted pursuant to s. 120.57 except that the Department of Banking and Finance shall by rule provide for participation by the general public; provided, however, that failure to request a hearing within 21 days of publication of notice shall constitute waiver of any right to a hearing.

(b) Should a hearing be requested pursuant to subparagraph 2. of paragraph (a), the applicant or licensee shall publish at his own cost a notice of the hearing in a newspaper of general circulation in the area affected by the application. The Department of Banking and Finance may by rule specify the format and size of such notice.

(c) Notwithstanding subsection (2), every application for license for a new bank, new trust company, new credit union, or new savings and loan association, and every application for acquisition of majority control of a bank, trust company, or savings and loan association involving a foreign national, shall be approved or denied within 180 days after receipt of the original application or receipt of the timely requested additional information or correction of errors or omissions. Any application for such a license or for acquisition of such control not approved or denied within the 180-day period or within 30 days after conclusion of a public hearing on the application, whichever is the latest, shall be deemed approved subject to the satisfactory completion of conditions required by statute as a prerequisite to license and approval of insurance of accounts by the Federal Deposit Insurance Corporation, for a new bank, and by the Federal Savings and Loan Insurance Corporation, for a new savings and loan association, or a new credit union by the appropriate insurer.

Section 2. This act shall take effect October 1, 1979.

**Amendment 2**—On page 1 in title, lines 3-8, after "Act;," strike all of said lines and insert: amending and renumbering s. 120.60(3), Florida Statutes, 1978 Supplement, and adding a new subsection (3) thereto; providing for a 180-day period in which the Department of Insurance shall act on an application for a certificate of authority; providing that an application for acquisition of majority control of a bank, trust company, or savings and loan association involving a foreign national shall be approved or denied within 180 days of receipt of a completed application; providing that a new credit union must comply with conditions required for insurance of accounts if approval is granted pursuant to failure to approve or deny the application within 180 days; providing an effective date.

On motion by Senator Anderson, by two-thirds vote SB 1034 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Mr. President	Hair	McKnight	Tobiasen
Anderson	Hill	Neal	Trask
Chamberlin	Holloway	Peterson	Ware
Childers, D.	Jenne	Scarborough	Williamson
Dunn	Johnston	Spicola	Winn
Frank	MacKay	Steinberg	
Gorman	Maxwell	Stuart	
Grizzle	McClain	Thomas	

Nays—None

Votes after roll call:

Yea—W. D. Childers, Fechtel

On motion by Senator Anderson, the rules were waived and SB 1034 after being engrossed was ordered immediately certified to the House.

HB 717—A bill to be entitled An act relating to driver records and the reporting of judicial dispositions of traffic violations; amending s. 43.41, Florida Statutes, and s. 322.25(6), Florida Statutes, 1978 Supplement, authorizing clerks of the courts to submit data relating to traffic offense dispositions to the Department of Highway Safety and Motor Vehicles in an automated fashion; adding subsections (4)-(6) to s. 322.20, Florida Statutes, 1978 Supplement, requiring the department to promulgate rules and procedures for the automated reporting of traffic dispositions; requiring the department to publish statistics and provide records to court clerks; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote HB 717 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Gordon	MacKay	Spicola
Anderson	Gorman	McClain	Steinberg
Carlucci	Grizzle	McKnight	Stuart
Chamberlin	Henderson	Neal	Thomas
Childers, D.	Hill	Peterson	Tobiasen
Childers, W. D.	Holloway	Poole	Trask
Dunn	Jenne	Scarborough	Williamson
Frank	Johnston	Scott	Winn

Nays—None

Vote after roll call:

Yea—Hair

SM 891—A memorial to the Congress of the United States urging the Congress to prevent the passage of three pending Congressional bills: S. 596, H.R. 2653, and H.R. 1516.

—was read the second time in full. On motion by Senator Barron, SM 891 was adopted and certified to the House. The vote on adoption was:

Yeas—33

Mr. President	Gorman	McClain	Stuart
Anderson	Grizzle	McKnight	Thomas
Barron	Hair	Myers	Tobiasen
Carlucci	Henderson	Peterson	Trask
Childers, D.	Hill	Poole	Ware
Childers, W. D.	Holloway	Scarborough	Williamson
Dunn	Johnston	Scott	
Fechtlet	MacKay	Skinner	
Frank	Maxwell	Spicola	

Nays—1

Chamberlin

SB 541 was taken up and on motions by Senator McKnight, the rules were waived and by two-thirds vote HB 935 was withdrawn from the Committees on Economic, Community and Consumer Affairs; Health and Rehabilitative Services; and Ways and Means.

On motion by Senator McKnight—

HB 935—A bill to be entitled An act relating to veterans' benefits; directing the Department of Health and Rehabilitative Services, in cooperation with the Division of Veterans' Affairs, to establish a pilot program in Bay, Hillsborough, Pinellas and Volusia Counties for the determination of eligibility for veterans' benefits with respect to certain applicants for public assistance; providing duties of county veteran service officers; providing for a report to the Legislature; providing an appropriation; providing an effective date.

—a companion measure, was substituted for SB 541 and read the second time by title. On motion by Senator McKnight, by two-thirds vote HB 935 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gordon	McClain	Stuart
Anderson	Gorman	McKnight	Thomas
Barron	Grizzle	Myers	Tobiasen
Carlucci	Hair	Neal	Trask
Chamberlin	Henderson	Peterson	Vogt
Childers, D.	Hill	Poole	Ware
Childers, W. D.	Holloway	Scarborough	Williamson
Dunn	Jenne	Scott	Winn
Fechtlet	Johnston	Spicola	
Frank	MacKay	Steinberg	

Nays—None

SB 541 was laid on the table.

SB 656—A bill to be entitled An act relating to juries; authorizing any county to adopt an ordinance exempting from certain jury service a person who has served in such county on a petit jury in the circuit court or county court within a specified period of time; providing an effective date.

—was read the second time by title.

Senator Chamberlin moved the following amendments which were adopted:

Amendment 1—On page 1, line 13, after the word "jury" insert: , or who has responded to any summons for such service and been excused,

Amendment 2—On page 1 in title, line 5, after the word "jury" insert: , or responded to summons for such service,

On motion by Senator Stuart, by two-thirds vote SB 656 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	MacKay	Spicola
Anderson	Gordon	Maxwell	Steinberg
Barron	Gorman	McClain	Stuart
Carlucci	Grizzle	McKnight	Thomas
Chamberlin	Hair	Myers	Tobiasen
Childers, D.	Henderson	Neal	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Williamson
Fechtlet	Johnston	Skinner	Winn

Nays—None

SB 767—A bill to be entitled An act relating to compulsory school attendance; creating s. 232.033, Florida Statutes, exempting persons who administer required immunizations to children from certain liability; providing an effective date.

—was read the second time by title. On motion by Senator Tobiasen, by two-thirds vote SB 767 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiasen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtlet	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—None

**SB 1082**—A bill to be entitled An act relating to unemployment compensation; amending s. 443.07(3) and (4), Florida Statutes, 1978 Supplement; extending the time for filing an appeal from an initial determination upon a claim; changing "board" to "commission" in conformance with chapter 78-201, Laws of Florida; extending the time for filing an appeal from the appeals referee's decision; providing that the Division of Employment Security of the Department of Labor and Employment Security may appeal the decision of an appeals referee and the determination of the Unemployment Appeals Commission; amending s. 20.17(5)(1), Florida Statutes, 1978 Supplement, providing for judicial review by notice of appeal rather than by petition for writ of certiorari; providing an effective date.

—was read the second time by title. On motion by Senator Steinberg, by two-thirds vote SB 1082 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Barron	Grizzle	McKnight	Tobiasen
Carlucci	Hair	Peterson	Trask
Chamberlin	Hill	Poole	Vogt
Childers, D.	Holloway	Scott	Ware
Childers, W. D.	Jenne	Skinner	Williamson
Dunn	Johnston	Spicola	Winn
Fechtel	MacKay	Steinberg	
Frank	Maxwell	Stuart	
Gorman	McClain	Thomas	

Nays—None

On motion by Senator Williamson, the rules were waived and the Senate reverted to—

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1362 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Young—

**HB 1362**—A bill to be entitled An act relating to nonpublic schools; amending s. 229.808, Florida Statutes, requiring the Department of Education to conduct an annual survey of and maintain a data base on all nonpublic elementary and secondary schools; providing a definition of a nonpublic elementary and secondary school; requiring nonpublic schools to submit certain data; limiting required data collection; requiring nonpublic schools to notify the department of certain changes; requiring the department to make certain data available; prohibiting fraudulent submission of data; providing a penalty; providing intent; amending s. 228.092(1)(a), Florida Statutes; revising the definition of the term "nonpublic school"; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

#### CONSENT CALENDAR, continued

On motion by Senator Williamson, by two-thirds vote HB 1362 was withdrawn from the Committee on Education.

CS for SB 728 was read the first time by title and SB 728 was laid on the table. Pending further consideration of CS for SB 728, on motion by Senator Williamson HB 1362, a companion measure, was substituted therefor. On motions by Senator Williamson by two-thirds vote HB 1362 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Anderson	Gorman	Maxwell	Steinberg
Barron	Grizzle	McClain	Stuart
Carlucci	Hair	McKnight	Thomas
Chamberlin	Henderson	Myers	Tobiasen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Ware
Dunn	Jenne	Scarborough	Williamson
Fechtel	Johnston	Skinner	Winn
Frank	MacKay	Spicola	

Nays—None

CS for SB 728 was laid on the table.

**HB 770**—A bill to be entitled An act relating to the Northwest Florida Creek Indian Council; amending sections 1, 2, and 4, of Chapter 75-370, Laws of Florida, as amended, providing for staggered representation on the Council; authorizing other counties to make gifts, grants, and loans to the Council; providing for powers of the Council; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 770 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gordon	MacKay	Stuart
Anderson	Gorman	Maxwell	Thomas
Barron	Grizzle	McClain	Tobiasen
Carlucci	Hair	McKnight	Trask
Chamberlin	Henderson	Myers	Vogt
Childers, D.	Hill	Neal	Ware
Childers, W. D.	Holloway	Poole	Williamson
Fechtel	Jenne	Scott	Winn
Frank	Johnston	Steinberg	

Nays—None

Vote after roll call:

Yea—Spicola

Consideration of HB 1620 was deferred.

**SB 1090**—A bill to be entitled An act relating to institutions of higher learning; amending s. 241.365(4), Florida Statutes, 1978 Supplement; exempting the C. V. Whitney Laboratory of the University of Florida from provisions requiring certain agency approval prior to engaging in construction or lease contracts; providing an effective date.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote SB 1090 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Peterson	Tobiasen
Childers, D.	Hill	Poole	Trask
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtel	MacKay	Skinner	Winn

Nays—None

**SB 895**—A bill to be entitled An act relating to the agriculture and plant industry; amending s. 570.32, Florida Statutes, relating to duties of bureaus under the Division of Plant Industry of the Department of Agriculture and Consumer Services; clarifying present duties and specifying expanded duties of certain bureaus; renaming the Bureau of Special Programs; amending s. 570.33(1) and (3), Florida Statutes, relating to the Director of the Division of Plant Industry and his duties; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote SB 895 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Williamson
Fechtel	Johnston	Scott	Winn
Frank	MacKay	Skinner	

Nays—None

On motion by Senator Peterson, the rules were waived and SB 895 was ordered immediately certified to the House.

SB 816—A bill to be entitled An act relating to the waters of the state; creating s. 861.045, Florida Statutes, to make it unlawful to fail to stop a boat upon the direction of a law enforcement officer, or to flee in an attempt to elude such an officer; providing an effective date.

—was read the second time by title. On motion by Senator Fechtel, by two-thirds vote SB 816 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gorman	McClain	Steinberg
Anderson	Hair	McKnight	Thomas
Carlucci	Henderson	Neal	Tobiassen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtel	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—None

By the Committee on Commerce and Senator Vogt—

CS for SB 1205—A bill to be entitled An act relating to fraudulent and deceptive practices in the sale of business opportunities; creating part VII of chapter 559, Florida Statutes; providing definitions; providing for required disclosure statement; providing a fee for filing such statement; providing for a bond or other evidence of financial responsibility to be filed with the Division of Consumer Services of the Department of Agriculture and Consumer Services; providing specified prohibited acts; providing for penalties; providing for contracts to be in writing; providing remedies for unfulfilled business opportunity contracts; providing an appropriation; providing for severability; providing an effective date.

—was read the first time by title and SB 1205 was laid on the table.

On motions by Senator Vogt, by two-thirds vote CS for SB 1205 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	Maxwell	Skinner
Anderson	Gorman	McClain	Spicola
Barron	Grizzle	McKnight	Steinberg
Carlucci	Hair	Myers	Stuart
Chamberlin	Henderson	Neal	Thomas
Childers, D.	Hill	Peterson	Tobiassen
Childers, W. D.	Holloway	Poole	Trask
Dunn	Johnston	Scarborough	Vogt
Fechtel	MacKay	Scott	Williamson

Nays—None

Vote after roll call:

Yea—Winn

HB 51—A bill to be entitled An act relating to condominiums; amending s. 718.401(4), Florida Statutes, 1978 Supplement, authorizing condominium associations to raise any issue or interpose any defense in certain actions involving leaseholds; requiring condominium associations to deposit rents in the court registry whenever they initiate certain actions or interpose certain defenses; providing the consequences of noncompliance; authorizing certain disbursement of such deposit; providing an effective date.

—was read the second time by title. On motion by Senator Poole, by two-thirds vote HB 51 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McClain	Stuart
Anderson	Grizzle	McKnight	Thomas
Barron	Hair	Myers	Tobiassen
Carlucci	Henderson	Neal	Trask
Chamberlin	Hill	Poole	Ware
Childers, D.	Holloway	Scarborough	Williamson
Childers, W. D.	Jenne	Scott	Winn
Dunn	Johnston	Skinner	
Fechtel	MacKay	Spicola	
Frank	Maxwell	Steinberg	

Nays—None

SB 119—A bill to be entitled An act relating to sports activities; creating the Sunshine State Commission on Sports; providing for the membership, functions, duties, and compensation of the commission; providing for public meetings; providing for promulgation of rules and hiring of staff; authorizing the organization of the Sunshine State Games; prohibiting involvement in pari-mutuel events; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Skinner and adopted:

**Amendment 1**—On pages 1-4, beginning on line 15, page 1, strike everything after the enacting clause and insert: Section 1. Section 14.22, Florida Statutes, is amended to read:

14.22 Governor's Council on Physical Fitness and Sports; powers.—

(1)(a) The Florida Governor's Council on Physical Fitness and Sports is created within the office of the Governor, to be composed of 25 29 members with appropriate interests and representing the various geographical areas of the state. The members shall be appointed by the Governor for staggered terms of 3 years expiring on July 1 in the appropriate year, except that the initial terms of the five additional members shall be 1 year for two members, 2 years for two members, and 3 years for one member. ~~membership shall consist of 6 members appointed for terms of 1 year, 7 members appointed for terms of 2 years, and 7 members appointed for terms of 3 years. Members presently serving on the council shall continue to serve until the expiration of their present terms.~~ The Governor may reappoint any person who has served or is serving as a member of the council.

(b) The Governor shall appoint a member of the council to serve as chairperson, and the council shall elect one of its members to serve as vice-chairperson. Each shall serve terms of 2 years.

(c) The council shall meet semiannually and at the call of the chairperson.

(d) Members of the council shall receive no compensation, but shall receive per diem and travel expenses as provided in s. 112.061.

(e) The Governor may appoint, upon the recommendation of the council, an executive director, and the executive director

may employ such staff as may be authorized by the Governor as secretary. The compensation of the executive director and staff secretary shall be set by the Governor.

(f) By a two-thirds vote of the council, a member may be dismissed from membership for such reasons as the council may establish, which reasons shall include lack of interest in council duties or repeated absences from council meetings. Vacancies created by dismissal shall be filled by the Governor.

(2) In order to promote physical fitness and sports, the Florida Governor's Council on Physical Fitness and Sports shall have the power and duty to:

(a) Develop, foster, and coordinate services and programs of physical fitness and sports for the people of Florida.

(b) Sponsor physical fitness and sports workshops, clinics, conferences, and other similar activities.

(c) Give recognition to outstanding developments and achievements in, and contributions to, physical fitness and sports.

(d) Stimulate physical fitness research.

(e) Collect and disseminate physical fitness and sports information and initiate advertising campaigns promoting physical fitness and sports.

(f) Assist schools in developing health and physical fitness programs for students.

(g) Encourage local governments and communities to develop local physical fitness programs and amateur athletic competitions.

(h) Develop programs to promote personal health and physical fitness in cooperation with medical, dental, and other similar professional societies.

(i) Enlist the support of individuals, civic groups, amateur and professional sports associations, and other organizations to promote and improve physical fitness and sports programs.

(j) Develop means of attracting and locating professional sports franchises and sports related industries in the state as well as assisting those located in the state.

(k) Promote the development of recreational athletic opportunities and professional athletic activities in the state including means of facilitating the acquisition, proper financing, construction, and rehabilitation of sports facilities for the holding of professional and amateur athletic events.

(l) Promote the development of a program of statewide amateur athletic competition to be known as the Sunshine State Games. The Sunshine State Games shall be patterned after the Summer Olympics with variations as necessitated by availability of facilities, equipment, and expertise. The games shall be designed to encourage the participation of athletes representing a broad range of age groups, skill levels, and Florida communities. Participants shall be residents of this state. Regional competitions shall be held throughout the state, and the top qualifiers in each sport shall proceed to the final competitions to be held at a site geographically centered in the state with the necessary facilities and equipment for conducting the competitions. The frequency of the games shall be determined by the council.

(3) The council may accept grants, gifts, and bequests and enter into contracts to carry out the purposes of this act.

Section 2. This act shall take effect July 1, 1979.

**Amendment 2**—On page 1 in title, strike lines 2 through and including line 10 and insert: An act relating to sports activities; amending s. 14.22, Florida Statutes, changing the name of the Governor's Council on Physical Fitness to the Governor's Council on Physical Fitness and Sports; increasing the membership; authorizing staff; prescribing duties relating to the development of a program of amateur athletic competition to be known as the Sunshine State Games;

On motion by Senator Skinner, by two-thirds vote SB 119 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gordon	McClain	Stuart
Anderson	Gorman	McKnight	Thomas
Barron	Grizzle	Myers	Tobiasen
Carlucci	Hair	Neal	Trask
Chamberlin	Henderson	Poole	Ware
Childers, D.	Hill	Scarborough	Williamson
Childers, W. D.	Jenne	Scott	Winn
Dunn	Johnston	Skinner	
Fechtcl	MacKay	Spicola	
Frank	Maxwell	Steinberg	

Nays—None

By the Committee on Judiciary-Criminal and Senator Spicola—

**CS for SB 932**—A bill to be entitled An act relating to sentencing practices; providing authorization for the Supreme Court to seek, receive, and administer federal funds to conduct multi-jurisdictional pilot projects relating to sentencing guidelines; providing for reports and recommendations to the Legislature; providing an effective date.

—was read the first time by title and SB 932 was laid on the table.

On motions by Senator Spicola, by two-thirds vote CS for SB 932 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McClain	Stuart
Anderson	Grizzle	McKnight	Thomas
Barron	Hair	Myers	Tobiasen
Carlucci	Henderson	Neal	Trask
Chamberlin	Hill	Peterson	Ware
Childers, D.	Holloway	Poole	Williamson
Childers, W. D.	Jenne	Scott	Winn
Dunn	Johnston	Skinner	
Fechtcl	MacKay	Spicola	
Frank	Maxwell	Steinberg	

Nays—None

**HB 318**—A bill to be entitled An act relating to personnel of the school system; providing legislative intent; adding paragraph (f) to s. 231.17(2), Florida Statutes, 1978 Supplement, to require competency in the identification, assessment, and prescription of instruction for exceptional students for teacher certification beginning July 1, 1981; amending s. 236.0811(2), Florida Statutes, 1978 Supplement, to require each school district plan for inservice training to include provision for such competencies; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendment which was moved by Senator Maxwell:

**Amendment 1**—On page 1, line 17, strike everything after the enacting clause and insert: Section 1. Subsection (2) of section 229.053, Florida Statutes, is amended to read:

229.053 General powers of state board.--

(2) The board has the following duties:

(a) To adopt comprehensive educational objectives for public education;

(b) To adopt comprehensive long-range plans and short-range programs for the development of the state system of public education;

(c) To exercise general supervision over the divisions of the Department of Education, including the Division of Universities, to the extent necessary to insure coordination of educational plans and programs and resolve controversies and to coordinate the academic calendars of universities, community colleges, and public schools to minimize problems of articulation and student transfers, to assure that students moving from one level of education to the next have acquired competencies necessary for satisfactory performance at that level, and to insure maximum utilization of facilities;



(d) To adopt for public universities and community colleges and from time to time modify minimum standards of college-level communication and computation skills generally associated with successful performance in college through the baccalaureate level, and to approve tests and other assessment procedures which measure student achievement of those skills.

(e) ~~(d)~~ To adopt and transmit to the Governor as chief budget officer of the state on official forms furnished for such purposes, on or before November 1 of each year, estimates of expenditure requirements for the State Board of Education, the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the State Board of Education for the ensuing fiscal year;

(f) ~~(e)~~ To hold meetings, transact business, keep records, adopt a seal, and perform such other duties as may be necessary for the enforcement of all laws and regulations relating to the state system of public education;

(g) ~~(f)~~ To have possession of and manage all lands granted to or held by the state for educational purposes;

(h) ~~(g)~~ To administer the state school fund;

(i) ~~(h)~~ To approve plans for cooperating with the Federal Government and, pursuant thereto, by regulation to accept funds, create subordinate units and provide the necessary administration required by any federal program;

(j) ~~(i)~~ To approve plans for cooperating with other public agencies in the development of regulations and in the enforcement of laws for which the state board and such agencies are jointly responsible;

(k) ~~(j)~~ To approve plans for cooperating with appropriate nonpublic agencies for the improvement of conditions relating to the welfare of school;

(l) ~~(k)~~ To authorize, approve, and require to be used such forms as are needed to promote uniformity, accuracy or completeness in executing contracts, keeping records or making reports;

(m) ~~(l)~~ To create such subordinate advisory bodies as may be required by law or as it may find necessary for the improvement of education; and

(n) ~~(m)~~ To constitute the State Board for Vocational Education or other structures as may be required by federal law.

Section 2. Present paragraph (g) is redesignated (j) and new paragraphs (g), (h), and (i) are added to subsection (3) of section 229.551, Florida Statutes, to read:

#### 229.551 Educational management.—

(3) As a part of the system of educational accountability, the department shall:

(g) Maintain a listing of college-level communication and computation skills defined by the Articulation Coordinating Committee as being associated with successful student performance through the baccalaureate level and submit same to the State Board of Education for approval.

(h) Maintain a listing of tests and other assessment procedures which measure and diagnose student achievement of college-level communication and computation skills and submit same to the State Board of Education for approval.

(i) Maintain for the information of the State Board of Education and the State Legislature a file of data compiled by the Articulation Coordinating Committee to reflect achievement of college-level communication and computation competencies by students in state universities and community colleges.

(j) ~~(g)~~ Perform any other functions that may be involved in educational planning, research, and evaluation or that may be required by the commissioner, the State Board of Education, or law.

Section 3. Paragraphs (k), (l), and (m) are added to subsection (2) of section 230.754, Florida Statutes, to read:

#### 230.754 Community colleges; duties and powers.—

(2) In carrying out this responsibility, the trustees, after considering the recommendations submitted by the community college president, shall exercise the following general powers:

(k) The board of trustees shall provide admissions counseling to all students entering college credit programs, which counseling shall utilize test(s) designated by the Articulation

Coordinating Committee to measure achievement of college-level communication and computation competencies by all students entering college credit programs.

(l) The board of trustees may limit students whose level of achievement of communication and computation skills is below that defined by the college as required for successful performance in a college credit program to compensatory courses and any other instruction for which they are adequately prepared.

(m) The board of trustees shall provide students who are being awarded an associate of arts degree opportunity to demonstrate superior levels of achievement of communication and computation competencies as defined by the Articulation Coordinating Committee and to recognize same in the awarding of that degree.

Section 4. It is the intent of the Legislature to insure that all elementary and secondary classroom teachers in Florida are capable of identifying, assessing, and prescribing instruction for exceptional children and to insure that all children in the schools in the state have the opportunity to have their exceptionalities detected at an early age.

Section 5. Subsections (2) and (3) of section 231.17, Florida Statutes, 1978 Supplement, are amended to read:

231.17 Certificates granted on application to those meeting prescribed requirements.—

(2) Beginning July 1, 1980, each certificate issued shall be valid for a period not to exceed 5 years, and each applicant for initial certification shall demonstrate, on a comprehensive written examination and through such other procedures as may be specified by the state board, mastery of those minimum essential generic and specialization competencies and other criteria as shall be adopted into rules by the state board, including, but not limited to, the following:

(a) The ability to write in a logical and understandable style with appropriate grammar and sentence structure;

(b) The ability to comprehend and interpret a message after listening;

(c) The ability to read, comprehend, and interpret orally and in writing, professional and other written material;

(d) The ability to comprehend and work with fundamental mathematical concepts;

(e) The ability to comprehend patterns of physical, social, and academic development in students and to counsel students concerning their needs in these areas; and

(f) Beginning July 1, 1981, the ability to identify, assess, and prescribe instruction for exceptional students.

The Commissioner may, with the approval of the state board, assign to a university in the state system the responsibility for printing, administering, scoring, and providing appropriate analysis of the written tests required.

(3) Beginning July 1, 1981, no individual shall be issued a regular certificate until he has completed  $3\frac{1}{2}$  school years ~~year~~ of satisfactory teaching pursuant to law and such other criteria as the state board shall require by rule, or a year-long internship approved by the state board. The department, in conjunction with teacher education centers and colleges of education, shall provide for model satisfactory teaching and internship programs to be implemented in selected districts. The model shall be evaluated by the department, and the specifications for such programs shall be selected for implementation in all districts by July 1, 1981.

Section 6. Paragraphs (c) and (d) are added to subsection (3) of section 236.081, Florida Statutes, 1978 Supplement, to read:

236.081 Funds for current operation of schools.—The annual allocation from the Florida Education Finance Program to each district for current operation of schools shall be determined as follows:

(3) INSERVICE EDUCATIONAL PERSONNEL TRAINING EXPENDITURE.—Of the amount computed in subsections (1) and (3), \$5 per full-time equivalent student shall be expended for educational training programs as determined by the district school board as provided in s. 236.0811. If a district has an approved teacher education center, at least \$3 of the \$5 shall be expended as provided in ss. 231.600-231.610. Funds as

provided herein may be expended only for the direct support of inservice training activities as prescribed below:

(c) *Compensation may be awarded under this subsection to employees engaged in inservice training activities which are outside of, or in addition to, regular hours of duty assignments or a regular day of a contract period for which regular compensation is provided. No moneys shall be authorized under this subsection for additional salaries and benefits constituting dual compensation to employees participating in inservice activities if such activities are within regular hours of duty assignments or within a regular day of a contract period for which regular compensation is provided.*

(d) *Funds may be expended to pay tuition or registration fees for college courses provided the course is identified in the district's approved master plan and the employee does not receive college credit.*

Section 7. Subsection (2) of section 236.0811, Florida Statutes, 1978 Supplement, is amended to read:

#### 236.0811 Educational training.—

(2) Pursuant to rules of the State Board of Education, each district shall develop and submit to the commissioner for approval a 5-year master plan for inservice educational training. The plan shall be based on an assessment of the district's inservice educational training needs conducted by a committee which shall include parents, classroom teachers, and other educational personnel. *The plan shall include a component consisting of competencies in the identification, assessment, and prescription of instruction for exceptional students.* The plan shall be updated annually by July 1 ~~April~~ and shall include inservice activities for all district employees, from all fund sources.

Section 8. Section 239.795, Florida Statutes, 1978 Supplement, is amended to read:

#### 239.795 Approved teacher education programs.—

(1) Each teacher education program of an institution of higher learning within the state which has been approved by the Department of Education, as provided for by rules of the State Board of Education, shall require, as a prerequisite for admission into the teacher education program, that a student receive a passing score at the 40th percentile or above, to be established by state board rule, on a nationally normed standardized college entrance examination. *Provided, that the State Board of Education shall provide by rule for a 10 percent deviation from the minimum standard prescribed herein.*

(2) *Effective July 1, 1982, continued approval of specific teacher education programs at each institution of higher learning within the state shall be contingent upon the passing of the state written examination required by s. 231.17(2) by at least 80 percent of the graduates of the program who take the examination.*

Section 9. Present subsections (2), (3), (4) and (5) of section 240.052, Florida Statutes, 1978 Supplement, are renumbered as subsections (3), (4), (5) and (6), respectively, and a new subsection (2) is added to said section to read:

#### 240.052 Admission of students; fees.—

(2) *Rules of the Board of Regents, when approved by the State Board of Education, may require the use of scores on tests of college-level communication and computation skills provided in s. 229.551 as a condition of eligibility for consideration for admission to upper division instructional programs of students from community colleges, including those who have been awarded associate degrees, provided that such requirement extends to students enrolled in lower divisions in the State University System and to transfers from other colleges and universities and provided, further, that any cut-off scores required for eligibility for consideration relate to successful student performance in programs to which the scores apply and are filed with the Articulation Coordinating Committee.*

Section 10. This act shall take effect upon becoming a law.

Senator Chamberlin moved the following amendment to Amendment 1 which was adopted:

**Amendment 1A**—On page 5, lines 26-27, strike said lines

Amendment 1 as amended was adopted.

The Committee on Education offered the following amendment which was moved by Senator Maxwell and adopted:

**Amendment 2**—On page 1 in title, strike lines 2-13 and insert: An act relating to education; amending s. 229.053(2), Florida Statutes; providing for the adoption of minimum standards of college-level communication and computation competencies; redesignating s. 229.551(3)(g), Florida Statutes, and adding new paragraphs (g)-(i) to said subsection; providing for the defining and maintaining of a list of college-level communication and computation skills and assessment procedures for measuring same; adding s. 230.754(2)(k)-(m), Florida Statutes; providing that the boards of trustees may use appropriate college-level communication and computation tests as a basis for admissions counseling placement; providing legislative intent; amending s. 231.17(2), (3), Florida Statutes, 1978 Supplement, to require competency in the identification, assessment, and prescription of instruction for exceptional students for teacher certification beginning July 1, 1981; authorizing assignment of test administration to a state university; providing for model satisfactory teaching and internship programs; prescribing criteria for issuance of a regular teaching certificate; adding s. 236.081(3)(c), (d), Florida Statutes, 1978 Supplement; prescribing standards for compensation for inservice training activities; authorizing payment of tuition and fees under certain circumstances; amending s. 236.0811(2), Florida Statutes, 1978 Supplement; to require each school district plan for inservice training to include provision for such competencies; prescribing the date for annual updating of district master plans for inservice educational training; amending s. 239.795, Florida Statutes, 1978 Supplement; providing a prerequisite for admission into teacher education programs; prescribing criteria for approval of teacher education programs; renumbering s. 240.052(2)-(5), Florida Statutes, 1978 Supplement, and adding a new subsection (2) to said section; providing that the Board of Regents may require the use of scores on tests of college-level communication and computation skills as a condition for admission to upper division instructional programs; providing an effective date.

On motion by Senator Maxwell, by two-thirds vote HB 318 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

#### Yeas—37

Mr. President	Gorman	McClain	Stuart
Anderson	Grizzle	McKnight	Thomas
Barron	Hair	Myers	Tobiasen
Carlucci	Henderson	Neal	Trask
Chamberlin	Hill	Peterson	Ware
Childers, D.	Holloway	Poole	Williamson
Childers, W. D.	Jenne	Scott	Winn
Dunn	Johnston	Skinner	
Fechtcl	MacKay	Spicola	
Frank	Maxwell	Steinberg	

#### Nays—None

SB 851 was taken up and on motion by Senator Don Childers, the rules were waived and by two-thirds vote HB 509 was withdrawn from the Committee on Commerce.

On motion by Senator Don Childers—

**HB 509**—A bill to be entitled An act relating to life and disability insurance; amending s. 626.9705(2), Florida Statutes, redefining the term "severe disability" to include neurosensory deafness; providing an effective date.

—a companion measure, was substituted for SB 851 and read the second time by title. On motion by Senator Don Childers, by two-thirds vote HB 509 was read the third time by title, passed and certified to the House. The vote on passage was:

#### Yeas—34

Mr. President	Dunn	Henderson	Myers
Barron	Fechtcl	Hill	Neal
Carlucci	Frank	Holloway	Peterson
Chamberlin	Gorman	Johnston	Poole
Childers, D.	Grizzle	MacKay	Scarborough
Childers, W. D.	Hair	McClain	Scott

Skinner  
Spicola  
Steinberg

Stuart  
Thomas  
Tobiasen

Trask  
Ware

Williamson  
Winn

Nays—None

SB 851 was laid on the table.

HB 881—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; adding subsection (4) to s. 409.185, Florida Statutes, 1978 Supplement; requiring the department to submit a biennial report to the Governor and legislative committees on the current and projected dollar value of the standard of need with respect to payments for aid to families with dependent children; defining "standard of need"; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 881 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gordon	McClain	Stuart
Anderson	Gorman	McKnight	Thomas
Barron	Grizzle	Myers	Tobiasen
Carlucci	Hair	Neal	Trask
Chamberlin	Henderson	Peterson	Ware
Childers, D.	Hill	Poole	Williamson
Childers, W. D.	Holloway	Scarborough	Winn
Dunn	Jenne	Scott	
Fechtcl	Johnston	Spicola	
Frank	MacKay	Steinberg	

Nays—None

On motion by Senator Myers, the rules were waived and SB 774 was ordered immediately certified to the House.

SB 615—A bill to be entitled An act relating to education; creating s. 229.595, Florida Statutes, the "Management Training Act of 1979"; providing legislative intent; providing rules for the selection, appointment, and reappointment of principals and other school-based managers and for competencies thereof; authorizing each district school board to submit to the Commissioner of Education a proposed program for the training of such persons; providing for technical assistance; providing for funding; providing for reporting; authorizing salary supplements to principals; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendment which was moved by Senator Maxwell and adopted:

**Amendment 1**—On page 2, line 13, strike "commissioner" (after the comma) and insert: state board

On motion by Senator Maxwell, by two-thirds vote SB 615 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Anderson	Gordon	MacKay	Spicola
Barron	Gorman	Maxwell	Steinberg
Carlucci	Grizzle	McClain	Stuart
Chamberlin	Hair	McKnight	Thomas
Childers, D.	Henderson	Neal	Tobiasen
Childers, W. D.	Hill	Peterson	Trask
Dunn	Holloway	Scarborough	Ware
Fechtcl	Jenne	Scott	Williamson
Frank	Johnston	Skinner	Winn

Nays—None

SB 1079—A bill to be entitled An act relating to adoption; amending s. 63.172(1)(b), Florida Statutes, providing that a judgment of adoption shall not operate to terminate the legal

relationships between an adopted person and a natural parent who is married to a petitioner; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote SB 1079 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiasen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Ware
Dunn	Jenne	Scarborough	Williamson
Fechtcl	Johnston	Scott	Winn
Frank	MacKay	Skinner	

Nays—None

SB 849—A bill to be entitled An act relating to public officers and employees; amending s. 112.08(1), Florida Statutes; authorizing certain governmental entities to self-insure a plan for life insurance for officers and employees; providing an effective date.

—was read the second time by title. On motion by Senator Hill, by two-thirds vote SB 849 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gordon	Maxwell	Stuart
Barron	Gorman	McClain	Thomas
Carlucci	Grizzle	McKnight	Tobiasen
Chamberlin	Hair	Myers	Trask
Childers, D.	Henderson	Neal	Ware
Childers, W. D.	Hill	Peterson	Williamson
Dunn	Holloway	Poole	
Fechtcl	Johnston	Spicola	
Frank	MacKay	Steinberg	

Nays—None

SB 866—A bill to be entitled An act relating to transportation; amending s. 23.055(1) and (2), Florida Statutes; authorizing Florida's continuing participation in the Multi-Mode Transportation Corridor Advisory Board; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendment which was moved by Senator Hair and adopted:

**Amendment 1**—On page 1, lines 19 and 20, strike "General Revenue Department of Transportation Working Capital Trust" and insert: Department of Transportation Working Capital Trust

On motion by Senator Hair, by two-thirds vote SB 866 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiasen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Williamson
Childers, W. D.	Jenne	Scarborough	Winn
Fechtcl	Johnston	Scott	
Frank	MacKay	Skinner	
Gordon	Maxwell	Spicola	

Nays—None

SB 1247—A bill to be entitled An act relating to the Florida Uniform Traffic Control Law; creating s. 316.0746, Florida Statutes; prohibiting the use of any traffic control device at any place where the public is invited unless such device conforms to certain requirements; authorizing continued use of any nonconforming device in use prior to January 1, 1980; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendments which were moved by Senator Henderson and adopted:

**Amendment 1**—On page 1, strike all of line 15 through and including line 22 and insert: 316.0746. Sale or purchase of traffic control devices by non-governmental entities; prohibitions.—

(1) It is unlawful for any non-governmental entity to use any traffic control device at any place where the general public is invited, unless such device conforms to the uniform system of traffic control devices adopted by the Department of Transportation pursuant to this Chapter.

(2) Any nonconforming traffic control device in use by a non-governmental entity

**Amendment 2**—On page 1 in title, line 5, strike "control device at any place where the public is" and insert: control device by a nongovernmental entity at any place where the public is

On motion by Senator Henderson, by two-thirds vote SB 1247 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

#### Yeas—33

Mr. President	Frank	MacKay	Steinberg
Anderson	Gordon	Maxwell	Stuart
Barron	Gorman	McClain	Thomas
Carlucci	Grizzle	McKnight	Tobiasen
Chamberlin	Hair	Myers	Trask
Childers, D.	Henderson	Peterson	Winn
Childers, W. D.	Hill	Scarborough	
Dunn	Jenne	Scott	
Fechtcl	Johnston	Skinner	

#### Nays—2

Holloway Williamson

Vote after roll call:

Yea—Spicola

SB 822 was taken up and on motion by Senator Carlucci, the rules were waived and by two-thirds vote HB 886 was withdrawn from the Committee on Commerce.

On motion by Senator Carlucci—

HB 886—A bill to be entitled An act relating to the manufacture, distribution, and use of explosives; amending s. 552.-092(2) and (3), Florida Statutes; removing, in certain cases, the requirement that applications for explosives licenses and permits must be accompanied by a current photograph and complete set of fingerprints; providing for procedure where photographs and fingerprints are not required; providing an effective date.

—a companion measure, was substituted for SB 822 and read the second time by title. On motion by Senator Carlucci, by two-thirds vote HB 886 was read the third time by title, passed and certified to the House. The vote on passage was:

#### Yeas—34

Mr. President	Childers, W. D.	Grizzle	MacKay
Anderson	Dunn	Hair	Maxwell
Barron	Fechtcl	Henderson	McClain
Carlucci	Frank	Hill	McKnight
Chamberlin	Gordon	Jenne	Peterson
Childers, D.	Gorman	Johnston	Scarborough

Scott	Steinberg
Skinner	Stuart
Spicola	Thomas

Tobiasen
Trask

Williamson
Winn

Nays—None

SB 822 was laid on the table.

HB 142—A bill to be entitled An act relating to saltwater fisheries and conservation; amending s. 370.157(1), Florida Statutes, 1978 Supplement, allowing certain persons and boats to catch or take shrimp in an otherwise closed area for shrimping in Cedar Key and increases the dimension of nets which may be used to take shrimp in the closed area; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 142 was read the third time by title, passed and certified to the House. The vote on passage was:

#### Yeas—30

Mr. President	Frank	McClain	Thomas
Anderson	Grizzle	McKnight	Tobiasen
Barron	Henderson	Peterson	Trask
Carlucci	Hill	Scarborough	Ware
Chamberlin	Jenne	Scott	Williamson
Childers, D.	Johnston	Spicola	Winn
Childers, W. D.	MacKay	Steinberg	
Dunn	Maxwell	Stuart	

Nays—None

Vote after roll call:

Yea—Hair

On motions by Senator Fechtel, the rules were waived and by two-thirds vote HM 753 was withdrawn from the Committee on Rules and Calendar and placed on the consent calendar.

HM 753—A memorial to the Congress of the United States, urging Congress to propose an amendment to the Privacy Act of 1974 to allow verification of an applicant's Social Security number at the time of application for food stamps.

—was read the second time in full. On motion by Senator Fechtel, HM 753 was adopted and certified to the House. The vote on adoption was:

#### Yeas—32

Mr. President	Frank	Maxwell	Steinberg
Anderson	Gorman	McClain	Stuart
Barron	Grizzle	McKnight	Thomas
Carlucci	Hair	Myers	Tobiasen
Chamberlin	Henderson	Peterson	Trask
Childers, W. D.	Hill	Poole	Ware
Dunn	Jenne	Scarborough	Williamson
Fechtcl	MacKay	Scott	Winn

Nays—None

On motion by Senator Barron, the rules were waived and SB 1305 was ordered immediately certified to the House.

Senator Scarborough presiding

#### SPECIAL ORDER, continued

SB 1012—A bill to be entitled An act relating to university and community college students; amending s. 239.582, Florida Statutes, 1978 Supplement; providing that students adjudicated guilty of unlawful possession or sale of substances controlled under chapter 893, Florida Statutes, may be automatically expelled; deleting provisions providing for suspension of students formally charged with possession or sale of such substances; providing an effective date.

—was read the second time by title.

Senator Tobiasen moved that the rules be waived and SB 1012 be read the third time by title. The motion failed.

On motion by Senator Tobiassen the Senate reconsidered the vote by which the foregoing motion failed.

On motion by Senator Tobiassen, by two-thirds vote SB 1012 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—17

Anderson	Grizzle	McClain	Tobiassen
Chamberlin	Hair	Myers	Winn
Dunn	Hill	Poole	
Frank	Jenne	Steinberg	
Gordon	Johnston	Stuart	

## Nays—13

Carlucci	MacKay	Scarborough	Williamson
Childers, D.	Maxwell	Spicola	
Fechtel	McKnight	Trask	
Gorman	Peterson	Ware	

Vote after roll call:

Yea—W. D. Childers

On motion by Senator Trask, the rules were waived and SB 886 was ordered immediately certified to the House.

**HB 1623**—A bill to be entitled An act relating to vinous beverages; amending s. 564.05, Florida Statutes, authorizing the sale of wine in 4-liter containers; providing an effective date.

—was read the second time by title.

Senator Henderson moved the following amendments which were adopted:

**Amendment 1**—On page 1, lines 21 and 22, strike all of said lines and insert: Section 2.

(1) Each 6 months, at such dates as the division shall determine, each manufacturer or other person authorized to sell wine to licensed distributors in Florida shall submit to the division a duly verified affirmation that the net prices charged for such wine, when computed on an F.O.B. point of origin basis, whether sold by bottle or cases, were no higher than the lowest net prices, when computed as defined in this chapter, charged to any distributor in any other state or the District of Columbia or to any state or state agency which owns and operates retail liquor outlets during the same 6 month period. Included in such duly filed affirmation shall be a listing of all the licensed distributors in Florida to whom wines were sold during such period and the net price, by brand, by bottle or case, charged to such distributors. The net price as reported in such duly filed affirmation shall in each event be the gross price charged each distributor less any allowances or discounts in cash or merchandise or any other consideration or anything of intrinsic value received by the distributor. The reporting requirements imposed by this section shall not apply to transactions between distributors licensed in Florida.

(2) Any violation of this section shall constitute a misdemeanor and shall be punishable as provided by law. In addition, the division may bring a suit for injunction in the courts of this state in any county to enjoin violation of any of the provisions of this act.

Section 3. This act shall take effect upon becoming a law.

**Amendment 2**—On page 1 in title, line 4 after the semicolon “;” insert: providing certain reporting requirements for wine manufacturers;

On motion by Senator Poole, by two-thirds vote HB 1623 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—32

Anderson	Childers, W. D.	Gordon	Henderson
Carlucci	Dunn	Gorman	Hill
Chamberlin	Fechtel	Grizzle	Holloway
Childers, D.	Frank	Hair	Jenne

Johnston	Neal
McClain	Poole
McKnight	Scarborough
Myers	Scott

Spicola
Steinberg
Stuart
Thomas

Tobiassen
Ware
Williamson
Winn

## Nays—3

MacKay	Peterson	Trask
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Vote after roll call:

Yea to Nay—Don Childers

On motion by Senator Poole, the rules were waived and HB 1623 was ordered immediately certified to the House.

**CS for HB 510**—A bill to be entitled An act relating to landlord and tenant law; creating part IV of chapter 83, Florida Statutes, consisting of ss. 83.801 through 83.808, Florida Statutes, entitled the “Mini-self-storage Landlord and Tenant Act”; providing for the application of the act; providing definitions; providing that rental agreements under the act impose an obligation of good faith on the parties; providing for a mini-self-storage owner’s lien for rent; providing remedies for mini-self-storage owners; providing for postjudgment procedures; providing an effective date.

—as amended was read the third time by title.

Senator Williamson moved the following amendment:

**Amendment 2**—On page 3, strike lines 25, 26, 27, 28, 29, 30 and 31, and lines 1 through 9 on page 4, and insert: (2) Service of process shall be as authorized by chapters 48 and 49

Senator Anderson moved the following substitute amendment which failed:

**Amendment 3**—On pages 3 and 4, strike lines 25 through 31 on page 3, and lines 1 through 9 on page 4, and insert: (2) Service of process may be obtained in such manner as provided in Florida Statutes Chapters 48 and 49 and Part I of Chapter 83, and the Florida Rules of Civil Procedure and the Rules of Summary Procedure as promulgated by the Supreme Court. If the sheriff of the county in which the action is pending shall certify that the defendant cannot be found in the county and either he has no usual place of abode in the county or there is no person of his family above 15 years of age at his usual place of abode in the county then the sheriff shall serve the summons by attaching it to some conspicuous part of the premises involved in the proceedings.

**Amendment 2** was adopted by two-thirds vote.

Senator Steinberg moved the following amendment which was adopted by two-thirds vote:

**Amendment 4**—On page 4, between lines 16 and 17, insert: The mini-self-storage owner by written agreement with the tenant may provide for the following post judgment procedures in addition to those provided in part 1, chapter 83.

Senator Hair moved the following amendment which was adopted by two-thirds vote:

**Amendment 5**—On page 3, line 18, strike “5” and insert: 10

On motion by Senator Anderson, CS for HB 510 as amended was read by title, passed and certified to the House. The vote on passage was:

## Yeas—29

Anderson	Grizzle	McKnight	Thomas
Barron	Hair	Neal	Tobiassen
Carlucci	Henderson	Peterson	Trask
Chamberlin	Hill	Poole	Ware
Childers, D.	Holloway	Scarborough	Winn
Childers, W. D.	Jenne	Scott	
Gordon	Johnston	Spicola	
Gorman	McClain	Stuart	

## Nays—5

Dunn	MacKay	Steinberg	Williamson
Frank			

## Abstained from Voting:

I have refrained from voting on CS for HB 510 in view of the fact that my law firm represents a business affected by this act. Although I have no financial interest in the entity, I want to avoid any appearance of impropriety.

*Kenneth M. Myers, 37th District*

Senator McClain moved that the Senate reconsider the vote by which SB 1012 passed this day.

The motion was placed on the calendar for consideration May 25.

On motion by Senator Poole, the Senate reconsidered the vote by which HB 1623 as amended was ordered immediately certified to the House.

On motion by Senator W. D. Childers, the rules were waived and the Senate immediately reconsidered the vote by which—

**HB 717**—A bill to be entitled An act relating to driver records and the reporting of judicial dispositions of traffic violations; amending s. 43.41, Florida Statutes, and s. 322.25(6), Florida Statutes, 1978 Supplement, authorizing clerks of the courts to submit data relating to traffic offense dispositions to the Department of Highway Safety and Motor Vehicles in an automated fashion; adding subsections (4)-(6) to s. 322.20, Florida Statutes, 1978 Supplement, requiring the department to promulgate rules and procedures for the automated reporting of traffic dispositions; requiring the department to publish statistics and provide records to court clerks; providing an effective date.

—passed this day.

Senators Barron, W. D. Childers and Holloway offered the following amendments which were moved by Senator W. D. Childers and adopted by two-thirds vote:

**Amendment 1**—On page 3, strike line 30, and insert: Section 4. Subsection (3)(a) of s. 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(3)(a) No vehicle shall exceed a length of 40 feet extreme overall dimension, inclusive of front and rear bumpers, and load carried thereon *but exclusive of detachable wind deflection devices which have been approved by the department*. Any vehicle in excess of 35 feet, except buses, shall have not less than 3 axles. No combination of vehicles coupled together shall consist of more than 2 units, and no such combination of vehicles shall exceed a total length of 55 feet, inclusive of load carried thereon *but exclusive of detachable wind deflection devices which have been approved by the department*. Automobile tow-away or driveaway operations, transporting new or used trucks, may use what is known to the trade as saddle mounts, provided the overall length shall not exceed 55 feet and in no instance may more than 2 saddle mounts be towed. Combinations of vehicles up to 5 in number will be authorized for the sole purpose of collecting refuse and transporting same to the dump by vehicles and combinations of vehicles provided that such vehicles or combination of vehicles shall be covered in such manner that refuse transported therein shall not spill from the vehicles, if they otherwise comply with the provisions of this law and only use the state roads to the extent necessary to collect and dispose of refuse.

Section 5. This act shall take effect January 1, 1980, except that this section and section 4 shall take effect upon becoming a law.

Senators Barron, W. D. Childers, and Holloway offered the following amendment which was moved by Senator W. D. Childers and adopted:

**Amendment 2**—On page 1 in title, strike all of lines 2 through 4, and insert: An act relating to motor vehicles; amending s. 316.515(3)(a), Florida Statutes; providing that maximum length of vehicles shall be exclusive of wind deflection devices; amending s. 43.41, Florida

On motion by Senator W. D. Childers, by two-thirds vote HB 717 as amended was read by title, passed and certified to the House. The vote on passage was:

## Yeas—32

Barron	Gorman	Maxwell	Steinberg
Carlucci	Grizzle	McClain	Stuart
Chamberlin	Hair	McKnight	Thomas
Childers, D.	Hill	Neal	Tobiasen
Childers, W. D.	Holloway	Peterson	Trask
Dunn	Jenne	Scarborough	Ware
Fechtel	Johnston	Scott	Williamson
Frank	MacKay	Spicola	Winn

## Nays—None

On motion by Senator W. D. Childers, the rules were waived and HB 717 was ordered immediately certified to the House.

**HB 1675**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 231.07, 526.111(1), and 839.11, Florida Statutes, and s. 323.31(6), Florida Statutes (1978 Supplement), to conform them to judicial decisions holding parts of said provisions unconstitutional; repealing ss. 123.09, 123.20, 561.14(4), 768.05, 768.06, 812.14(3), 839.25(1)(c), 849.06, and 867.01, Florida Statutes, to conform to judicial decisions holding said provisions unconstitutional; repealing s. 839.07, Florida Statutes, to conform to judicial decision holding said section repealed by implication; and repealing s. 924.03, Florida Statutes, to conform to judicial decision holding said section superseded by appellate rule.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote HB 1675 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—31

Anderson	Gorman	Maxwell	Stuart
Barron	Grizzle	McClain	Thomas
Carlucci	Hair	McKnight	Tobiasen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Scarborough	Ware
Childers, W. D.	Jenne	Scott	Williamson
Dunn	Johnston	Spicola	Winn
Frank	MacKay	Steinberg	

## Nays—None

## Vote after roll call:

## Yea—Fechtel

**HB 1676**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 11.149, 20.10(2), 26.011(1), 27.52(2)(b), 48.151(5), 57.091, 61.191(1), (2), 83.780(1), 112.045(1), (2)(c), (3)(a), 121.011(3)(e), 163.612(3), 177.011, 200.132(1), 211.17, 213.05, 214.71(3)(b), 215.321, 215.48, 218.32(4), 228.091(1), (2), 229.808(2), 240.042(1), 241.461(1), 288.24(2), 298.401(1), 320.0843(1), 320.824(1), 334.01, 350.79, 367.141, 370.153(8)(c), 399.05(1)(b), 399.06(3), 401.36, 413.20, 413.23, 413.29, 413.31, 413.32(2), 413.36, 443.09(1)(b), (c), (2)(a), 447.601, 447.603, 455.001(1), (3), 468.187(1), 473.07(1), 483.051(5), 494.04(5), 516.03(2), 520.03(3), 520.32(2), 520.52(2), 520.65(9), 562.39(1), 617.532(3), 620.27, 627.826(2), 639.10(1), 651.011(4), 651.121(4), 674.106, 680.104(2), 717.30, 790.06(3), 817.43, 817.45, 876.50, 893.02(10), 893.12(1)(a), (c), and 945.161, Florida Statutes, and ss. 20.18(3), 23.146(1)(c), 39.01(25), 39.03(2), 39.031(4), 39.11(1)(b), 39.12(4), 39.41(1)(d), 39.411(4), 61.13(2)(b), 100.041(3)(a), 122.07(4), 161.053(11), 170.01, 196.041, 212.08(12), 230.66(5), 235.435, 236.081(6)(c), 246.203(6), 295.14(1), 370.01(18), 370.101(3), 370.12(2)(f), (g), (h), 372.57(19), 372.921(3)(b), 373.033(4), 375.314(2), 380.055(4), 403.061(14), 403.088(1), 403.415(8), (9), 409.145(2)(a), (b), 409.165(3), 409.345(5)(b), 410.021, 410.031, 410.032, 410.033, 410.10, 410.102, 410.103(2), 440.37(2)(b), 475.451(2)(d), 477.038, 479.02, 487.031(10), 496.03(10), 496.105, 517.021(11), 517.081(3)(b), 517.12(9),



550.48(4)(b), 581.185(3)(d), 627.351(4)(a), 637.141, 637.301, 665.710(3), 812.015(1)(b), (5), 817.52(1), 827.07(4)(c), 872.04(1), 934.03(2)(g), 943.25(3), (9)(a), 943.405(1), (2), 947.135(3), 947.16(3)(d), (f), and 947.173(2), Florida Statutes (1978 Supplement); repealing ss. 18.11(4), 20.30(5)(h), (i), 121.052(8), 196.011(3), (5), 197.111(2), 197.341, 199.025, 220.66, 238.09(5)(e), 240.031(2), 241.361(2), 241.755(5), 298.401(3), 298.79, 318.22(7), 370.02(3)(a), 371.65(2), 377.05, 381.502, 403.4152, 403.864(3), 443.10(6), 455.01(26), (29), 466.09(6), 483.041(7), 493.24, 493.27, 493.55, 550.035, 550.062, 550.063, 550.064, 918.017, 941.48, 944.062(2), 944.071, and 959.022(3), Florida Statutes; and reenacting ss. 106.07(1)(a), 125.0105, 166.251, 323.05(4), 324.061(1), 324.071, 336.59(2), 381.494(1), 393.064, and 466.14(4), Florida Statutes, and ss. 103.091(1), (4), 236.081(5), 320.06(2), 325.19(7), 372.072(3)(c), 373.33(3), 468.1279, 476.174(2), 476.204, 476.254, 516.07(1), 516.22(2), 601.9909(2), and 627.736(1), Florida Statutes (1978 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have been held invalid by a court of last resort, have had their effect, or have served their purpose; replacing incorrect cross-references; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; correcting errors in the editing, publishing, and printing of the Florida Statutes; and confirming duplicate publications and the restoration of provisions inadvertently omitted from republication in the amendatory process.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote HB 1676 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—31

Anderson	Frank	MacKay	Steinberg
Barron	Gorman	McClain	Stuart
Carlucci	Hair	McKnight	Thomas
Chamberlin	Henderson	Neal	Tobiasen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Scarborough	Williamson
Dunn	Jenne	Scott	Winn
Fechtel	Johnston	Spicola	

## Nays—None

**HB 1677**—A reviser's bill to be entitled An act relating to the Florida Statutes; repealing ss. 457.011, 457.021, 457.031, 457.041, 457.051, 457.061, 457.071, 457.081, 457.10, 457.11, 457.12, 457.13, 457.14, 457.15, 457.16, 476.01, 476.02, 476.03, 476.031, 476.04, 476.05, 476.06, 476.061, 476.065, 476.07, 476.071, 476.072, 476.08, 476.09, 476.10, 476.11, 476.12, 476.13, 476.14, 476.16, 476.17, 476.18, 476.19, 476.20, 476.21, 476.22, 476.221, 476.222, 476.23, 476.24, 476.25, 476.26, 476.27, 476.28, 476.29, 476.30, 476.31, 476.32, 476.34, 489.01, 489.02, 489.03, 489.04, 489.05, 489.06, 489.061, 489.07, 489.08, 489.09, 489.10, 489.11, 491.01, 491.02, 491.03, 491.04, 491.05, 491.06, 491.08, 491.09, 491.10, 491.11, 491.12, 491.13, 491.14, 491.15, 491.16, 491.17, 491.18, 491.19, 514.01, 514.08, 537.01, 537.02, 537.03, 537.04, 537.05, 537.06, 537.07, 537.08, 537.09, 537.10, 537.12, and 633.544, Florida Statutes, which sections were repealed by s. 3, ch. 76-168, Laws of Florida, as amended by s. 1, ch. 77-457, Laws of Florida, effective July 1, 1978, but which sections were not repealed by a "current session" of the Legislature, as is required by s. 11.242(5)(b), Florida Statutes, in order for such sections to be omitted from publication in Florida Statutes 1979 without further legislative action.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote HB 1677 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—33

Anderson	Hair	McKnight	Stuart
Barron	Henderson	Myers	Thomas
Carlucci	Hill	Neal	Tobiasen
Chamberlin	Holloway	Peterson	Trask
Childers, D.	Jenne	Poole	Williamson
Childers, W. D.	Johnston	Scarborough	Winn
Dunn	MacKay	Scott	
Fechtel	Maxwell	Spicola	
Frank	McClain	Steinberg	

## Nays—None

**HB 654**—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 1979 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 1979 shall be effective immediately upon publication; providing that general laws enacted during the 1977 regular and special sessions and prior thereto and not included in the Florida Statutes 1979 are repealed; providing that general laws enacted during the 1977 and 1978 regular and special sessions are not repealed by this adoption act.

—was read the second time by title.

The Committee on Rules and Calendar offered the following amendment which was moved by Senator Dunn and adopted:

**Amendment 1**—On page 1 in title, lines 14 and 15, strike "1977 and 1978 regular and special sessions" and insert: 1978 regular and special sessions and the 1979 regular session

On motion by Senator Dunn, by two-thirds vote HB 654 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—36

Anderson	Gordon	Maxwell	Spicola
Barron	Gorman	McClain	Steinberg
Carlucci	Hair	McKnight	Stuart
Chamberlin	Henderson	Myers	Thomas
Childers, D.	Hill	Neal	Tobiasen
Childers, W. D.	Holloway	Peterson	Trask
Dunn	Jenne	Poole	Ware
Fechtel	Johnston	Scarborough	Williamson
Frank	MacKay	Scott	Winn

## Nays—None

On motion by Senator Dunn, by unanimous consent—

By the Committee on Ways and Means and Senators Dunn, Maxwell and Williamson—

**CS for SB 284**—A bill to be entitled An act relating to public lodging establishments and public food service establishments; reviving, readopting, and amending ss. 509.013, 509.032, 509.072, 509.091, 509.092, 509.101, 509.111, 509.141, 509.142, 509.151, 509.161, 509.162, 509.191, 509.2111, 509.221, 509.242, 509.251, 509.271, 509.281, 509.291, 509.292, 509.302, 509.303, 509.401, 509.402, 509.403, 509.404, 509.405, 509.406, 509.407, 509.408, 509.409, 509.410, 509.411, 509.412, 509.413, 509.414, 509.415, 509.416, 509.417, Florida Statutes, and amending ss. 509.201, 509.211, 509.241, 509.261, Florida Statutes, 1978 Supplement, notwithstanding the provisions of the Regulatory Reform Act of 1976, as amended; creating s. 509.034, Florida Statutes; providing that certain sections apply to transients only; providing definitions; prescribing duties of the Division of Hotels and Restaurants of the Department of Business Regulation; limiting the inspection authority of the Department of Health and Rehabilitative Services and local health agencies; creating a Hotel and Restaurant Trust Fund; prescribing form and method of service of certain notices; prescribing the rights of public lodging establishments and public food service establishments as private enterprises; providing for the making of rules by the operators of such establishments; requiring maintenance of a guest register; limiting liability for property of guests; authorizing refusal of admission or service to, or ejection of, undesirable persons; prohibiting the fraudulent obtaining of lodging; providing penalties; prescribing rules of evidence; authorizing detention of certain violators; providing procedures for the disposition of unclaimed goods; requiring the posting of room rates; prescribing criteria for certain advertising; prescribing safety and sanitary regulations and authorizing inspection for compliance; providing for the adoption of fees; providing standards and procedures for the licensing of public lodging establishments and public food service establishments; providing for classification of public lodging establishments; providing for adoption of license fees; providing for the suspension or revocation of licenses; authorizing imposition of fines; prohibiting a county or municipality from licensing a public lodging establishment or public food service establishment which is not licensed by the division; providing procedures for the prosecution of violations of chapter 509, Florida Stat-

utes; providing penalties; creating and prescribing duties, membership, and terms of an advisory council; prohibiting the misrepresentation of food; providing penalties; prescribing and providing for the enforcement of fire safety regulations; providing circumstances for the lockout of a guest; providing for recovery of premises; providing circumstances and procedures for issuance and enforcement of an operator's writ of distress or a prejudgment writ of distress; providing for repeal of the act; providing a retroactive effective date.

—was taken up out of order, read the first time by title and SB 284 was laid on the table.

On motion by Senator Myers, by two-thirds vote CS for SB 284 was read the second time by title.

Senator Dunn offered the following amendments which were moved by Senator Myers and adopted:

**Amendment 1**—On page 7, line 31, after the word "unit" insert: *on a county-by-county basis*

**Amendment 2**—On page 8, line 12, after "standards" insert: *concurrently with the inspections performed by the division*

**Amendment 3**—On page 8, line 13, insert after *condition*: *, except as provided in s. 509.032(2)(a)*

**Amendment 4**—On page 9, line 2, strike "509.412" and insert: 509.417

Senator Dunn moved the following amendment which was adopted:

**Amendment 5**—On page 21 strike all lines 5 through 31; strike everything on pages 22 and 23; strike all of lines 1 through 7 on page 24, and insert substantial rewording of section (see s. 509.211, F.S., for 1978 Supp., for present text.): 509.211 Safety regulations.—

(1)(a) Before the erection or remodeling is begun of any building for use as a public lodging establishment or public food service establishment or of any building located on the premises of such an establishment which may be used by guests of the establishment, the registered architect's plans or registered engineer's plans, with detailed specifications, shall be submitted to the division with a notarized statement of such architect or engineer that the plans and specifications comply with the requirements of law.

(b) New construction or remodeling costing \$10,000 or less need not be accompanied by plans of a registered architect or engineer but scaled drawings shall be submitted to the division.

(2) Each bedroom or apartment in each public lodging establishment shall be equipped with a substantial lock on each door opening to the outside, to an adjoining room or apartment, or a hallway.

(3) The division shall inspect elevators as provided in chapter 399. The division shall enforce any rule adopted by the state fire marshal which relates to public lodging establishment or public food service establishments. The state fire marshal may also enforce such rules.

(4)(a) It is unlawful for any person to use within any public lodging establishment or public food service establishment any fuel-burning wick-type equipment for space heating unless such equipment is vented so as to prevent the accumulation of toxic or injurious gases or liquids.

(b) Any person who violates the provisions of paragraph (a) is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) The division may immediately remove any heater in violation of paragraph (a) from any public lodging establishment or public food service establishment and shall keep any such heater in a safe place to be used as evidence.

(d) If any operator of a public lodging establishment or public food service establishment violates the provisions of paragraph (a) or allows anyone else to violate the provision of paragraph (a) then the division may revoke or suspend the license of such public lodging establishment or public food service establishment.

Senator Dunn offered the following amendments which were moved by Senator Myers and adopted:

**Amendment 6**—On pages 24 and 25, strike all of lines 8 through 31 on page 24 and all of page 25.

Renumber subsequent sections.

**Amendment 7**—On page 52, line 28, strike "509.2111, 509.212", and on page 53, line 4 after 509.181, insert: 509.2111

**Amendment 8**—On page 53, line 11, strike "this act" and insert: chapter 509, Florida Statutes,

Senator Dunn moved the following amendments which were adopted:

**Amendment 9**—On page 1 in title, line 8, strike "509.2111"

**Amendment 10**—On page 3 in title, line 7, strike "the act" and insert: chapter 509, Florida Statutes

On motion by Senator Myers, by two-thirds vote CS for SB 284 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Frank	McClain	Steinberg
Anderson	Gorman	McKnight	Stuart
Barron	Grizzle	Myers	Thomas
Carlucci	Hill	Neal	Tobiasen
Chamberlin	Holloway	Peterson	Trask
Childers, D.	Jenne	Poole	Williamson
Childers, W. D.	Johnston	Scarborough	Winn
Dunn	MacKay	Scott	
Fechtcl	Maxwell	Spicola	

Nays—None

Vote after roll call:

Yea—Ware

By the Committee on Governmental Operations and Senators Maxwell and Williamson—

**CS for SB 302**—A bill to be entitled An act relating to the construction industry; providing purpose and definitions; requiring the certification of specified persons engaging in contracting on a statewide basis; requiring the registration of specified persons engaging in contracting on other than a statewide basis; requiring certain work to be subcontracted; creating the Construction Industry Licensing Board and providing for membership thereof; providing for the adoption of rules and fees; providing for examinations; providing for issuance and renewal of certificates and registrations; providing procedures for the certification or licensure of business organizations; prescribing rules of construction; prescribing powers and duties of counties and municipalities; providing exemptions; prescribing powers and procedures relating to disciplinary proceedings; prohibiting certain acts and providing penalties therefor; prescribing civil penalties; providing notice to county tax collectors; repealing part II, ch. 468, Florida Statutes, including s. 468.1045, as created by chapter 78-142, Laws of Florida, and ss. 468.109 and 468.112, as amended, relating to the construction industry; providing for repeal of the act; providing a retroactive effective date.

—was read the first time by title and SB 302 was laid on the table.

On motion by Senator Williamson, by two-thirds vote CS for SB 302 was read the second time by title.

Senator Dunn offered the following amendments which were moved by Senator Williamson and adopted:

**Amendment 1**—On page 13, line 1, after the word "to" insert: one of

**Amendment 2**—On page 17, line 25, following the period(.) insert: The board shall adopt rules defining financial responsibility based upon the applicant's credit history, ability to be bonded, and any history of bankruptcy or assignment of receiv-

ers. Such rules shall specify the financial responsibility grounds on which the board may refuse to qualify an applicant for certification.

Senator Dunn moved the following amendments which were adopted:

**Amendment 3**—On page 12, line 31, strike "honest and trustworthy" and insert: of good moral character

**Amendment 4**—On page 15, following line 5, insert a new subsection (3) to read: (3)(a) Good moral character means a personal history of honesty, fairness, and respect for the rights of others and for laws of this state and nation.

(b) The board may refuse to certify an applicant for failure to satisfy this requirement only if:

1. There is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a certified contractor; and

2. The finding by the board of lack of good moral character is supported by clear and convincing evidence.

(c) When an applicant is found to be unqualified for a license because of a lack of good moral character, the board shall furnish the applicant a statement containing the findings of the board, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

Senators Neal and Williamson offered the following amendment which was moved by Senator Neal and adopted:

**Amendment 5**—On page 26, between lines 28 and 29, insert: (15) to the application of asphalt roofing shingles

Senator Neal moved the following amendment which was adopted:

**Amendment 6**—On page 12, after line 22, insert a new subsection (4): (4) In addition to the fees provided in subsection (1) for application and renewal for certification and registration, all licensees shall pay a fee of \$4.00 to the department at the time of application or biennial renewal. The funds shall be transferred at the end of each biennial licensing period to the Department of Education for distribution in the following manner:

(a) Fifty percent shall be allocated to fund research projects relating to the building construction industry in a graduate program in building construction in a Florida university.

(b) Fifty percent shall be apportioned among all accredited private and state universities and community colleges within the state offering approved courses in building construction, with each university or college receiving a pro rata share of such funds based upon the number of full-time building construction students enrolled at the institution. Each institution receiving funds under this subsection shall utilize such funds for research projects relating to the building construction industry or for continuing education programs to be offered to those engaged in the building construction industry in Florida.

On motion by Senator Williamson, by two-thirds vote CS for SB 302 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Mr. President	Gordon	Johnston	Spicola
Anderson	Gorman	McClain	Steinberg
Chamberlin	Grizzle	McKnight	Stuart
Childers, D.	Henderson	Neal	Thomas
Childers, W. D.	Hill	Poole	Tobiassen
Dunn	Holloway	Scarborough	Trask
Frank	Jenne	Scott	Williamson

Nays—None

Votes after roll call:

Yea—Fecht, Ware

By the Committee on Governmental Operations and Senators Maxwell and Williamson—

**CS for SB 312**—A bill to be entitled An act relating to electrical contracting; providing purpose; providing definitions; creating the Electrical Contractors' Licensing Board and providing membership, terms of office, powers, and duties thereof; providing for examinations for certification; providing for registration; providing for fees and receipt and disposition thereof; providing for licensure and renewal; providing that certification operates in lieu of certain local requirements; providing procedures for certification of business organizations; providing exemptions; providing for civil penalties and disciplinary proceedings; prohibiting a person from contracting or holding himself out as a contractor unless registered or certified, and from committing certain fraudulent acts; providing penalties; providing for prosecution of certain violations; providing for civil proceedings; providing for continuation of rules; providing for repeal of the act; repealing part VII, chapter 468, Florida Statutes, including s. 468.190, as amended, relating to electrical contractors; providing a retroactive effective date.

—was read the first time by title and SB 312 was laid on the table.

On motion by Senator Dunn, by two-thirds vote CS for SB 312 was read the second time by title.

Senator Dunn moved the following amendments which were adopted:

**Amendment 1**—On page 5, line 11, after the word "is" insert: of good moral character, and is otherwise

**Amendment 2**—On page 5, line 16, following the period (.) insert: The board shall adopt rules defining financial responsibility based upon the applicant's credit history, ability to be bonded, and any history of bankruptcy or assignment of receivers. Such rules shall specify the financial responsibility grounds on which the board may refuse to qualify an applicant for certification.

**Amendment 3**—On page 6, after line 24, insert a new subsection (10) to read:

(10)(a) Good moral character means a personal history of honesty, fairness, and respect for the rights of others and for laws of this state and nation.

(b) The board may refuse to certify an applicant for failure to satisfy this requirement only if:

1. There is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a certified contractor; and

2. The finding by the board of lack of good moral character is supported by clear and convincing evidence.

(c) When an applicant is found to be unqualified for a license because of a lack of good moral character, the board shall furnish the applicant a statement containing the findings of the board, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

**Amendment 4**—On page 7, line 30, strike "supporting the need or justification, the" and insert: supporting the need and justification for and reasonable proof of competency of the applicant, the

On motion by Senator Dunn, by two-thirds vote CS for SB 312 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Anderson	Gordon	Johnston	Spicola
Chamberlin	Gorman	McClain	Steinberg
Childers, D.	Grizzle	McKnight	Thomas
Childers, W. D.	Henderson	Neal	Tobiassen
Dunn	Hill	Poole	Trask
Fecht	Holloway	Scarborough	Williamson
Frank	Jenne	Scott	Winn

Nays—None

Vote after roll call:

Yea—Ware

**The President presiding**

By the Committee on Governmental Operations and Senators Maxwell and Williamson—

CS for SB 387—A bill to be entitled An act relating to the regulation of foresters; stating legislative purpose; providing definitions; prescribing membership and terms of office for the Board of Foresters; authorizing the board to set fees; providing for certain examinations; providing for biennial renewal of licenses; authorizing licensure by endorsement; authorizing an inactive status for licenses; authorizing issuance of temporary licenses; providing for a biennial roster of foresters; providing exemptions; prescribing violations; providing penalties; authorizing continuation of rules; providing for the future repeal of the act; repealing chapter 492, Florida Statutes, the Forestry Practice Act including s. 492.18, as amended; providing a retroactive effective date.

—was read the first time by title and SB 387 was laid on the table.

On motions by Senator Dunn, by two-thirds vote CS for SB 387 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—29**

Mr. President	Gordon	MacKay	Steinberg
Anderson	Gorman	McClain	Stuart
Chamberlin	Grizzle	McKnight	Thomas
Childers, D.	Henderson	Neal	Trask
Childers, W. D.	Hill	Scarborough	Williamson
Dunn	Holloway	Scott	
Fechtel	Jenne	Skinner	
Frank	Johnston	Spicola	

Nays—None

**Special Ceremony**

The President of the Senate, Philip D. Lewis, West Palm Beach, was tapped an honorary member of the Florida Blue Key by Timothy W. Volte, Honorary Tapping Chairman, Florida Blue Key, University of Florida, Gainesville. Senator Lewis recognized other Blue Key members in the gallery and thanked them for the honor.

By the Committee on Governmental Operations and Senators Maxwell and Williamson—

CS for SB 388—A bill to be entitled An act relating to the practice of engineering and land surveying; providing purposes and definitions relating to engineering and land surveying; creating the Board of Engineers and the Board of Land Surveyors within the Department of Professional Regulation and prescribing their composition, powers, and duties; authorizing the boards to adopt certain rules regulating the practices of engineering and land surveying; authorizing the boards to establish certain fees; prescribing requirements for the examination and registration of engineers and of land surveyors; requiring each registrant to have a seal; prescribing requirements for the formation and registration of partnerships and professional service corporations engaged in the practice of engineering and of land surveying; providing for temporary registrations; prohibiting any county or municipality from issuing a building permit to any applicant under certain circumstances; providing for the issuance, renewal, suspension, and revocation of registrations and the discipline of registrants; prohibiting unauthorized practice or use of certain titles or registration certificates or giving false or forged evidence in order to obtain registration; providing penalties; providing civil remedies; providing for continuation of rules; amending s. 20.30(4), Florida Statutes, 1978 Supplement, as amended; providing for the transfer of certain funds; providing for repeal of the act; repealing Chapters 471 and 472, Florida Statutes; providing a retroactive effective date.

—was read the first time by title and SB 388 was laid on the table.

On motion by Senator Neal, by two-thirds vote CS for SB 388 was read the second time by title.

Senator Dunn moved the following amendments which were adopted:

**Amendment 1**—On page 4, line 28, following line 28 insert: a new subsection (4) to read:

(4) The location of the Board of Engineers shall be in Leon County; provided, however, that this relocation shall be accomplished by January 1, 1980.

**Amendment 2**—On page 5, line 18, strike "honest and trustworthy" and insert: of good moral character

**Amendment 3**—On page 6, line 11, following line 11 insert a new subsection (2) to read:

(2)(a) Good moral character means a personal history of honesty, fairness, and respect for the rights of others and for laws of this state and nation.

(b) The board may refuse to certify an applicant for failure to satisfy this requirement only if:

1. There is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a registered engineer; and

2. The finding by the board of lack of good moral character is supported by clear and convincing evidence.

(c) When an applicant is found to be unqualified for a license because of a lack of good moral character, the board shall furnish the applicant a statement containing the findings of the board, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

**Amendment 4**—On page 20, line 16, after the word "applicant" insert: is of good moral character, and

**Amendment 5**—On page 22, following line 16 insert a new subsection (5) to read:

(5)(a) Good moral character means a personal history of honesty, fairness, and respect for the rights of others and for laws of this state and nation.

(b) The board may refuse to certify an applicant for failure to satisfy this requirement only if:

1. There is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a registered land surveyor; and

2. The finding by the board of lack of good moral character is supported by clear and convincing evidence.

(c) When an applicant is found to be unqualified for a license because of a lack of good moral character, the board shall furnish the applicant a statement containing the findings of the board, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

**Amendment 6**—On page 1, in title, after the semicolon (;) on line 9 insert: providing for relocation of the Board of Engineers;

On motion by Senator Neal, by two-thirds vote CS for SB 388 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

**Yeas—28**

Mr. President	Frank	Jenne	Scott
Anderson	Gordon	Johnston	Spicola
Carlucci	Gorman	MacKay	Steinberg
Chamberlin	Grizzle	McClain	Thomas
Childers, D.	Henderson	McKnight	Tobiasen
Childers, W. D.	Hill	Myers	Trask
Dunn	Holloway	Neal	Winn

Nays—1

Stuart

Votes after roll call:

Yea—Ware, Williamson

SB 391—A bill to be entitled An act relating to land sales; amending and renumbering ss. 478.011, 478.015, 478.052, 478.061, 478.081, 478.091, 478.141, 478.191, 478.211, 478.23, 478.24, 478.25, 478.26, 478.27, 478.29, 478.33, 478.34, Florida Statutes, and 478.021, 478.041, 478.121, 478.131, 478.151, 478.161, 478.171, 478.221, 478.31, Florida Statutes, 1978 Supplement; providing that, except as renumbered, amended, and readopted by the act, the Florida Uniform Land Sales Practices Law shall stand repealed pursuant to the Regulatory Reform Act of 1976, as amended; providing a short title; providing legislative intent; providing definitions; authorizing the adoption of rules; authorizing the Division of Florida Land Sales and Condominiums of the Department of Business Regulation to seek injunctions and intervene in certain lawsuits; prescribing the powers and duties of the division; creating an advisory council to advise the division; prescribing fees; creating s. 478.350, Florida Statutes; creating the Florida Land Sales and Condominiums Trust Fund; prescribing the jurisdiction of circuit courts relative to claims and causes relating to subdivided lands; prohibiting the disposition of interests in any portion of subdivided lands except in certain circumstances; providing exemptions; providing procedures for registration of subdivided lands; authorizing certain investigations and exchanges of information; creating s. 478.357, Florida Statutes; requiring disclosure and prior approval of certain advertising; prescribing the contents of a public offering statement; requiring establishment and maintenance of certain trust and escrow accounts; providing for annual renewal of registrations; requiring a subdivider to submit certain reports to the division; providing for registration and regulation of salesmen and brokers; authorizing the imposition of certain civil penalties and cease and desist orders; providing procedures for service of process; providing penalties; providing a civil remedy; authorizing the assessment of court costs and attorney's fees; creating s. 478.369, Florida Statutes; providing a savings clause; providing that the 1981 repeal of s. 478.34, Florida Statutes, by chapter 78-323, Laws of Florida, shall not be affected by the act; providing for repeal of chapter 478, Florida Statutes; providing a retroactive effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote SB 391 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Frank	Jenne	Spicola
Anderson	Gordon	Johnston	Steinberg
Carlucci	Gorman	MacKay	Stuart
Chamberlin	Grizzle	McClain	Thomas
Childers, D.	Henderson	McKnight	Tobiasen
Childers, W. D.	Hill	Neal	Williamson
Dunn	Holloway	Scott	Winn

Nays—None

Votes after roll call:

Yea—Ware, Trask

On motion by Senator Dunn, the rules were waived and the Senate reverted to the order of—

## INTRODUCTION

On motions by Senator Dunn, without objection, Rules 4.6 and 2.14 were waived and the following bill was introduced:

By Senators Dunn, Henderson, Trask, Thomas, McKnight, Spicola, Hair, Scarborough, Myers, Scott, Steinberg, Maxwell, Johnston, Jenne, McClain, Hill, Frank, Vogt, Williamson, Tobiasen, Stuart, Don Childers, Ware, Grizzle, Neal, Fechtel, Poole, MacKay, Gorman, W. D. Childers, Holloway, Skinner, Winn, Peterson, Carlucci, Anderson and Gordon—

SB 1309—A bill to be entitled An act relating to the Regulatory Reform Act of 1976; amending subsection (2) of sec-

tion 3 of chapter 76-168, Laws of Florida, as amended by chapter 77-457, Laws of Florida; extending the 1979 repeal date for various provisions of the Florida Statutes regulating professions and occupations; providing a retroactive effective date.

—which was read the first time by title and by unanimous consent placed on the calendar without reference.

Senator Barron presiding

On motion by Senator Neal, the rules were waived and the Senate immediately reconsidered the vote by which—

CS for SB 302—A bill to be entitled An act relating to the construction industry; providing purpose and definitions; requiring the certification of specified persons engaging in contracting on a statewide basis; requiring the registration of specified persons engaging in contracting on other than a statewide basis; requiring certain work to be subcontracted; creating the Construction Industry Licensing Board and providing for membership thereof; providing for the adoption of rules and fees; providing for examinations; providing for issuance and renewal of certificates and registrations; providing procedures for the certification or licensure of business organizations; prescribing rules of construction; prescribing powers and duties of counties and municipalities; providing exemptions; prescribing powers and procedures relating to disciplinary proceedings; prohibiting certain acts and providing penalties therefor; prescribing civil penalties; providing notice to county tax collectors; repealing part II, ch. 468, Florida Statutes, including s. 468.1045, as created by chapter 78-142, Laws of Florida, and ss. 468.109 and 468.112, as amended, relating to the construction industry; providing for repeal of the act; providing a retroactive effective date.

—as amended passed this day.

On motion by Senator Neal, the Senate reconsidered the vote by which CS for SB 302 was read the third time.

On motion by Senator Neal, the Senate reconsidered the vote by which Amendment 5 was adopted. By permission Amendment 5 was withdrawn.

Senator Neal moved the following amendment which was adopted:

Amendment 7—On page 15, line 31, after the period insert: Nothing in this act shall be construed to require the subcontracting of asphalt roofing shingles.

On motion by Senator Neal, by two-thirds vote CS for SB 302 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Anderson	Gordon	MacKay	Spicola
Carlucci	Gorman	McClain	Steinberg
Chamberlin	Grizzle	McKnight	Stuart
Childers, D.	Henderson	Neal	Thomas
Childers, W. D.	Hill	Peterson	Tobiasen
Dunn	Holloway	Poole	Trask
Fechtcl	Jenne	Scarborough	Ware
Frank	Johnston	Scott	Winn

Nays—None

## CONSENT CALENDAR, resumed

SB 124 was taken up and on motion by Senator MacKay—

HB 678—A bill to be entitled An act relating to judgments; amending s. 55.01, Florida Statutes, requiring every final judgment to contain the address at which service of process was effected or the last known address of the judgment debtor; providing an effective date.

—a companion measure, was substituted therefor and read the second time by title.

The Committee on Judiciary-Civil offered the following amendment which was moved by Senator MacKay and adopted:

**Amendment 1**—On page 1, lines 20-23, strike on page 1, all of lines 20 through and including "debtor," on line 23 and insert: *address, if known to the prevailing party, of each person against whom judgment is rendered.*

Senator MacKay moved the following amendment which was adopted:

**Amendment 2**—On page 1, line 19, strike "Every" and insert: Each

Senator McClain moved the following amendment which was adopted:

**Amendment 3**—On page 1, line 25, between words "validity" and "of" insert: or finality

The Committee on Judiciary-Civil offered the following amendment which was moved by Senator MacKay and adopted:

**Amendment 4**—On page 1, in title strike all of lines 4 through and including line 6 and insert: judgment to contain the name, if known to the prevailing party, of each person against whom judgment is rendered; providing

On motion by Senator MacKay, by two-thirds vote HB 678 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Anderson	Gorman	McKnight	Stuart
Carlucci	Grizzle	Neal	Thomas
Chamberlin	Henderson	Peterson	Tobiassen
Childers, D.	Hill	Poole	Trask
Childers, W. D.	Holloway	Scarborough	Ware
Fechtel	Jenne	Scott	Williamson
Frank	Johnston	Spicola	Winn
Gordon	MacKay	Steinberg	

Nays—1

McClain

SB 124 was laid on the table.

On motion by Senator McKnight, by unanimous consent—

**SB 97**—A bill to be entitled An act relating to intermediate care facilities for retarded and developmentally disabled persons; creating s. 393.16, Florida Statutes; providing a definition; establishing a loan trust fund; authorizing the Department of Health and Rehabilitative Services to grant loans to eligible facilities for initial operating costs; providing criteria for granting of such loans and for repayment thereof; providing a lien in favor of the state; providing an effective date.

—was taken up out of order and read the second time by title.

The Committee on Ways and Means offered the following amendment which was moved by Senator McKnight and adopted:

**Amendment 1**—On page 3, line 26, insert a new Section 2 and renumber subsequent section:

Section 2. Intermediate care facilities for mentally retarded and other developmentally disabled persons with approved certificates of need prior to the effective date of this act, regardless of the size of such facility, shall be eligible to benefit from the provisions of this act.

The Committee on Ways and Means offered the following amendment which was moved by Senator McKnight and failed:

**Amendment 2**—On page 3, line 27, insert a new section 3 and renumber subsequent section

Section 3. The sum of \$452,250 is hereby appropriated from the General Revenue Fund to the Department of Health and Rehabilitative Services for the purpose of carrying out the intent of this legislation.

Senator McKnight moved the following amendments which were adopted:

**Amendment 3**—On page 3, between lines 25 and 26, insert:

(6) The corporation, partnership, or sole proprietor of a residential intermediate care facility shall execute an agreement prepared by the department that any funds received pursuant to this section shall be used solely for operating costs

Section 2. It is the intent of the Legislature that no facility receive more than \$160,000 pursuant to the provisions of this act.

Section 3. All facilities with approved certificates of need prior to the effective date of this act, regardless of the size of said facility, shall be eligible to benefit from the provisions of this act.

(Renumber subsequent section.)

**Amendment 4**—On page 1, in title, line 12, strike "providing an effective date" and insert: providing a limitation on the use of funds; providing a grandfather clause; establishing a cap on the amount of funds that can be allocated to a facility; providing an effective date.

Pending further consideration of SB 97 as amended, on motion by Senator McKnight, by two-thirds vote HB 688 was withdrawn from the Committees on Health and Rehabilitative Services and Ways and Means and placed on the calendar. On motion by Senator McKnight—

**HB 688**—A bill to be entitled An act relating to intermediate care facilities for retarded and developmentally disabled persons; creating s. 393.16, Florida Statutes; providing a definition; establishing a loan trust fund; authorizing the Department of Health and Rehabilitative Services to grant loans to eligible facilities for initial operating costs; providing criteria for granting of such loans and for repayment thereof; providing a lien in favor of the state; providing a limitation on the use of funds; providing a grandfather clause; establishing a cap on the amount of funds that can be allocated to a facility; providing an effective date.

—a companion measure, was substituted for SB 97. On motions by Senator McKnight, by two-thirds vote HB 688 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Anderson	Gorman	Maxwell	Stuart
Carlucci	Grizzle	McClain	Thomas
Chamberlin	Henderson	McKnight	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Ware
Dunn	Jenne	Scott	Williamson
Frank	Johnston	Spicola	Winn
Gordon	MacKay	Steinberg	

Nays—2

Fechtel Neal

SB 97 was laid on the table.

#### SPECIAL ORDER, continued

Consideration of Senate Bills 1224, 1239 and 983 was deferred.

#### The President presiding

On motion by Senator Fechtel, the rules were waived and the Senate reverted to—

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1595 and requests the concurrence of the Senate.

*Allen Morris, Clerk*



By the Committee on Veterans Affairs and Representative Lockward and others—

**HB 1595**—A bill to be entitled An act relating to veteran's benefits received by inmates of correctional institutions; creating s. 230.655, Florida Statutes; amending s. 230.761(2)(b), Florida Statutes, 1978 Supplement; adding s. 240.052(4)(c), Florida Statutes, 1978 Supplement; directing the Department of Education, the State Board of Education and the Board of Regents to require that area vocational-technical centers, institutions within the community college system, and institutions within the State University System withdraw all requests for course approval from the Veteran's Administration for education programs offered in correctional facilities which are provided through state funding at no cost to the inmate; providing an effective date.

—was read the first time by title and referred to the Committee on Corrections, Probation and Parole.

#### SPECIAL ORDER, continued

CS for SB 142, by the Committee on Ways and Means and Senator Fechtel, was read the first time by title and SB 142 was laid on the table.

Pending further consideration of CS for SB 142, on motions by Senator Fechtel, by two-thirds vote HB 1595 was withdrawn from the Committee on Corrections, Probation and Parole and substituted for CS for SB 142.

On motions by Senator Fechtel, by two-thirds vote HB 1595 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

#### Yeas—30

Anderson	Fechtel	Hill	Neal
Carlucci	Frank	Holloway	Peterson
Chamberlin	Gordon	Johnston	Poole
Childers, D.	Gorman	MacKay	Scarborough
Childers, W. D.	Grizzle	McClain	Scott
Dunn	Henderson	McKnight	Spicola

Steinberg	Thomas	Trask	Williamson
Stuart	Tobiassen		

Nays—None

CS for SB 142 was laid on the table.

On motion by Senator Johnston, by two-thirds vote HB 1390 was withdrawn from the Committee on Health and Rehabilitative Services.

#### CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 23 was corrected and approved.

The Journal of May 16 was further corrected and approved as follows:

Page 455, column 1, from bottom, at end of line 12 insert: ing Committee shall prepare a local bill to dissolve the special

Page 456, column 1, strike line 13 and at the end of line 11 insert: Resources and the Board of Trustees of Internal Improve-

The Journal of May 9 was further corrected and approved as follows:

Page 379, at end of column 2 insert:

#### Yeas—38

Mr. President	Gordon	Maxwell	Stuart
Anderson	Gorman	McClain	Thomas
Barron	Grizzle	McKnight	Tobiassen
Carlucci	Hair	Myers	Trask
Chamberlin	Henderson	Neal	Vogt
Childers, D.	Hill	Peterson	Ware
Childers, W. D.	Holloway	Scarborough	Williamson
Dunn	Jenne	Skinner	Winn
Fechtel	Johnston	Spicola	
Frank	MacKay	Steinberg	

Nays—None

On motion by Senator Barron, the Senate adjourned at 4:59 p.m. to convene at 8:30 a.m., Friday, May 25, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.